



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.410 of 2014

and

M.P(MD)No.1 of 2014

Devika ..Petitioner/Respondent-Wife

Vs.

Mohanraj ... Respondent/Petitioner-Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the Family Court, Tiruchirappalli in HMOP No.402 of 2014 and transfer the same to the learned Subordinate Judge, Thanjavur.

For Petitioner : Mr.S.Rajaprabu

For Respondent : Mr.T.Senthilkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.402 of 2014 on the file of the Family Court, Tiruchirappalli, and the same may be transferred to Subordinate Judge, Thanjavur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.04.2011. After the marriage, the petitioner and the respondent lived together in the matrimonial home. A female child was born in the wedlock. Due to mental and physical torture caused by the respondent, the petitioner was forced to leave the matrimonial home with her child. Now she is residing at Thanjavur with her parents.

3. The petitioner filed DVC No.22 of 2013 under Domestic Violence Act against the respondent and three others before the learned Judicial Magistrate No.I, Thanjavur. The respondent is appearing before the learned Judicial Magistrate No.I, Thanjavur. While so, the respondent filed H.M.O.P.No.226 of 2013 before the Principal Sub Court, Tiruchirappalli. The petitioner filed Tr.C.M.P.No.407 of 2013 before this Court to transfer H.M.O.P.No.226 of 2013 from the Principal Sub-Court, Tiruchirappalli to Subordinate Court, Thanjavur. This Court, by order, dated 11.08.2014, dismissed the Tr.C.M.P., stating that the petitioner need not appear before the trial Court for each and every hearing. Subsequently, H.M.O.P.No.226 of 2013 was transferred to Family Court, Tiruchirappalli and re-numbered as H.M.O.P.No.402 of 2014. The petitioner is residing at Thanjavur and the distance between Thanjavur and Tiruchirappalli is 80 Kms. It is very difficult for her to attend each and every hearing at



Tiruchirappalli. It will not be difficult for the respondent to appear before the Subordinate Court, Thanjavur.

4. The learned counsel for the respondent has entered appearance through Advocate and he did not file any counter affidavit. The learned counsel for the respondent submitted that it will not be difficult for the petitioner to attend the hearing at Family Court, Tiruchirappalli and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

5. Now, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.402 of 2014 filed by the respondent/Husband before the Family Court, Tiruchirappalli to the Subordinate Court, Thanjavur.

6. Heard the learned counsel appearing for the petitioner and the respondent.

7. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.402 of 2014 on the file of the Family Court, Tiruchirappalli, is hereby withdrawn and transferred to the file of the Subordinate Court, Thanjavur, if the same is not yet disposed of. The learned Family Court Judge, Tiruchirappalli, is directed to send the case bundles to the learned Subordinate Judge, Thanjavur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD) No.1 of 2014 is closed.

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

1.The Judge,
Family Court, Tiruchirappalli.

2.The Subordinate Judge,
Thanjavur.

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.Rajaprabu, Advocate Sr.No.28959

<https://hcservices.ecourts.gov.in/hcservices/>

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Tr.C.M.P. (MD) No.410 of 2014