



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.06.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.417 of 2014
and
M.P (MD) No.1 of 2014

S.Rathina Priya

... Petitioner/Respondent

Vs.

P.Ramesh

... Respondent/petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.1012 of 2014 on the file of the Learned District Family Court, Coimbatore and transfer the same to the Learned Subordinate Judge, Valliyoor, Tirunelveli District.

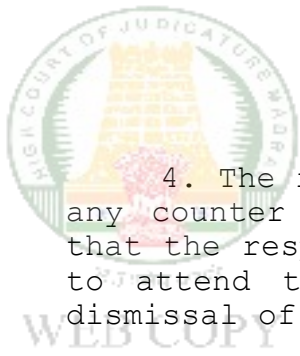
For Petitioner : Mr.S.Palanivelayutham
For Respondent : Mr.R.Anand

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.1012 of 2014 on the file of the Learned District Family Court, Coimbatore and transfer the same to the Learned Subordinate Judge, Valliyoor, Tirunelveli District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.08.2006 as per Hindu Rites and Customs. After the marriage, both were living together at matrimonial home along with the parents of the respondent. A male child was born on 02.07.2008 in the wedlock. At the instigation of the family members of the respondent, he demanded more dowry from the petitioner and her family members. The petitioner was sent out from the matrimonial home on 02.07.2009. Thereafter, she is residing with her parents at Vadakkankulam, Tirunelveli District. The petitioner is not having any independent income. Therefore she filed M.C.No.23 of 2013 before the learned Judicial Magistrate, Valliyoor claiming maintenance. The learned Judicial Magistrate, Valliyoor ordered maintenance on 31.07.2014.

3. The respondent filed H.M.O.P.No.1012 of 2014 before the Family Court, Coimbatore to declare the marriage dated 30.08.2006 as null and void. The distance between the Vadakkankulam and Coimbatore is more than 400 kms and it is very difficult for the petitioner to attend the Court at Coimbatore for each and every hearing with her child. The petitioner is depending on her parents for day to day expenses including travel expenses. In the above circumstances, she has come out with present petition to transfer HMOP.No.1012 of 2014, on the file of the Family Court, Coimbatore to Sub Court, Valliyur, Tirunelveli District.



4. The respondent entered appearance through Advocate and did not file any counter affidavit. The learned counsel for the respondent submitted that the respondent is working and it will be difficult for the respondent to attend the hearing before the Sub Court, Valliyoor and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

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

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1012 of 2014 on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Subordinate Court, Valliyoor, if the same is not yet disposed of. The learned Family Judge, Coimbatore is directed to send the case bundles to the Subordinate Court, Valliyoor, 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 (Record)

/True Copy/

Sub Assistant Registrar

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To

1.The Judge, Family Court,
Coimbatore.

2.The Subordinate Judge,
Valliyoor

3.The Section Officer, V.R.Section
Madurain Bench Of The Madras High
Court, Madurai.

+1cc to S.Palanivelayutham, Advocate, in Sr.No.29740

Tr.C.M.P. (MD)No.417 of 201
Dated:10.06.2015

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