



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.419 of 2014

and

M.P(MD)No.1 of 2014

Karthiga

... Petitioner

Vs.

Sivanarayanan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 read with 151 of Civil Procedure Code to withdraw the case on the file of the learned Subordinate Judge, Sivagangai in HMOP No.98 of 2014 and transfer the same to the learned Subordinate Judge, Dindigul.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.M.Sakthikumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.98 of 2014 on the file of the Subordinate Court, Sivagangai and the same may be transferred to the Subordinate Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.11.2009 as per Hindu Rites and Customs. Due to physical and mental torture of the respondent and his family members, the petitioner was forced to leave the matrimonial home. The petitioner is now residing with her parents at Dindigul.

3. The respondent filed H.M.O.P.No.98 of 2014 before the Sub Court, Sivagangai. According to the petitioner, she is facing severe threat on the part of the respondent and her life is in danger, if she entered into Sivagangai. The distance between Dindigul and Sivagangai is about 120 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.98 of 2014. The petitioner is depending on her parents for day to day expenses including travel expenses.

4. In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.98 of 2014 filed by the respondent/Husband before the Subordinate Court, Sivagangai, to the Subordinate Court, Dindigul.

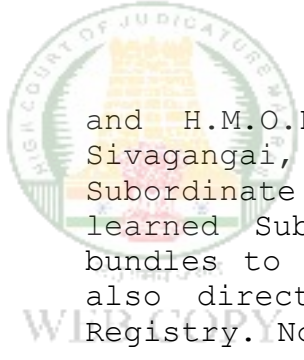
5. The learned counsel for the respondent has entered appearance through Advocate and he did not file any counter affidavit denied the allegations that there is a life threat to the petitioner and hence, seeks transfer to any other Court other than Dindigul District and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

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.

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

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed



and H.M.O.P.No.98 of 2014 on the file of the Subordinate Court, Sivagangai, is hereby withdrawn and transferred to the file of the Subordinate Court, Dindigul, if the same is not yet disposed of. The learned Subordinate Judge, Sivagangai, is directed to send the case bundles to the Subordinate Court, Dindigul, 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/-

The Assistant Registrar(T&P)

/True copy/

Sub-Assistant Registrar

To

1.The Subordinate Court,
Sivagangai.

2.The Subordinate Court,
Dindigul.

+1cc to M/s.D.Rameshkumar, Advocate SR.No.29565

am

Sm:AMF:03.07.2015:2P/4C

Tr.C.M.P. (MD)No.419 of 2014
10.06.2015