



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.42 of 2014 and
M.P(MD)No.1 of 2014

Mrs.R.Jeyapriya

... Petitioner

Vs.

B.Rajini @ Sivasubramanyen

... Respondent

Prayer:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.250 of 2013 on the file of the Additional Sub Court, Thanjavur and transfer to the Family Court, Madurai.

For Petitioner

: Mr.A.V.Arun

For Respondent

: Mr.K.Mohanasundaram

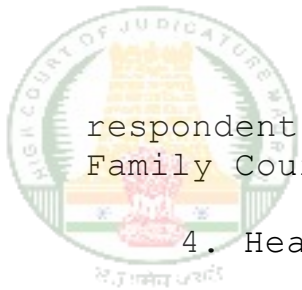
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.250 of 2013 on the file of the Additional Sub Court, Thanjavur and transfer to the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.05.2002, as per Hindu Rites and Customs. After the marriage, both the petitioner and respondent were living together in matrimonial home at Kottakudi, Madurai. A Male child was born in the wedlock. Due to misunderstanding, the respondent filed H.M.O.P.No.250 of 2013 before the Additional Sub Court, Thanjavur for Restitution of conjugal Rights. The petitioner is residing at Madurai with her parents along with minor child and she is working as teacher at Melur. The distance between Madurai and Thanjavur is more than 300 kms and it is very difficult for the her to travel each and every hearing to attend H.M.O.P.No.250 of 2013, before the Additional Sub Court, Thanjavur and there is no one to take care of her child.

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

3. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.250 of 2013, filed by the



respondent husband, before the Additional Sub Court, Thanjavur, to Family Court, Madurai.

4. Heard the learned counsel appearing for the petitioner.

5. Respondent entered appearance through counsel and he did not file any counter affidavit.

6. It is well settled law that whenever, the transfer petition 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.250 of 2013, on the file of the Additional Sub Court, Thanjavur, is hereby withdrawn and transferred to the file of the Family Court, Madurai, if the same is not yet disposed of. The learned Additional Sub Judge, Thanjavur, is directed to send the case bundles to the Family Court, Madurai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(co)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Additional Sub-Ordinate Judge,
Thanjavur.

2. The Judge,
Family Court, Madurai.

COPY TO

THE SECTION OFFICER, V.R.SECTION, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 CC TO MR.A.V.Arun, ADVOCATE, SR NO:39061

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JAM:27.7.2015/2P/5C