



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.06.2015

CORAM:
THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.440 of 2014 and
M.P. (MD) .No. 1 of 2014

Vijaya : Petitioner

Vs.

Murugan : Respondent

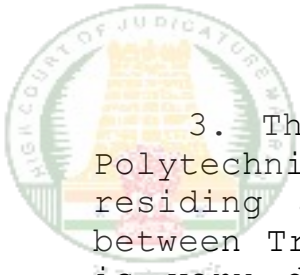
Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the HMOP.NO.75 of 2012 renumbered as FCOP.No.96 of 2014, on the file of Family Court, Vellore and transfer the same to the Principal Subordinate Court, Thiruchirappalli.

For Petitioner : Mr. S.Muthukrishnan
For Respondent : Mr. No appearance

O R D E R

This petitioner, who is the respondent in HMOP.NO.75 of 2012 (renumbered as FCOP.No.96 of 2014), on the file of Family Court, Vellore filed this petition, to transfer FCOP.No.96 of 2014 from the file of the Family Court, Vellore to Principal Subordinate Court, Thiruchirappalli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 30.06.2004 as per Hindu Rites and Customs. A female child was born on 30.11.2006 in the wedlock. After the birth of child, the respondent did not come and see the child and issued notice dated 08.08.2007, making false allegations against the petitioner. The petitioner filed M.C.No.150 of 2007, for maintenance, before the Chief Judicial Magistrate Court, Thiruchirappalli. The respondent has entered appearance through Advocate and appeared regularly before the Chief Judicial Magistrate court, Thiruchirappalli. The learned Chief Judicial Magistrate court, Thiruchirappalli, by order dated 01.07.2009, has awarded a sum of Rs.2000/- as maintenance, for minor child. The petitioner filed a petition under Section 128 Cr.P.C to implement the order dated 01.07.2009 and the salary of the petitioner was attached for recovery of maintenance. Therefore, the respondent filed HMOP.No.75 of 2012, before the Principal Subordinate Court, Vellore, for divorce. The said HMOP was transferred to the Principal Subordinate Court, Vellore and re-numbered as FCOP.No.96 of 2014.



3. The petitioner is an Administrative Staff in Government Polytechnic at Thuvakudi, Thiruchirappalli District. She is residing at Trichy along with her minor child. The distance between Trichy and Vellore is approximately 350 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend FCOP.NO.96 of 2014, before the Family Court, Vellore. Further, she cannot take leave frequently, to appear before the Family Court, Vellore. In the circumstances, the petitioner has filed the present petition to transfer FCOP.No.96 of 2014, from the file of the Family Court, Vellore, to the Principal Subordinate Court, Thiruchirappalli.

4. Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

5. 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.

6. Accordingly, the Transfer CMP is allowed and FCOP.No.96 of 2014, pending on the file of the Family Court, Vellore, is ordered to be withdrawn and transferred to the file of the Principal Subordinate Court, Thiruchirappalli. The learned Family Court Judge, Vellore, is directed to transmit the entire records pertaining to the case in FCOP No.96 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

SD

ASST REGISTRAR -AE

TRUE COPY

SUB ASST REGISTRAR

trp

To

1. The Family Court Judge, Family Court, Vellore
2. The Principal Subordinate Court, Thiruchirappalli.

Copy to : The Section Officer, VR SECTION
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. S. MUTHUKRISHNAN, ADVV SR: 29838

DM 01 JULY 15 2P 5C