



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2015

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.450 of 2014

and

M.P (MD) No.1 of 2014

Rajalakshmi

... Petitioner

Vs.

N.Ganesh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the divorce petition in H.M.O.P.No.592 of 2014 on the file of the Family Court, Madurai to Sub Court, Tuticorin.

For Petitioner : Mr.N.Anandakumar

For Respondent : Mr.S.Mahendrapathy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the divorce petition in H.M.O.P.No.592 of 2014 on the file of the Family Court, Madurai to Sub Court, Tuticorin.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.09.2004, as per Hindu Rites and Customs. Two female children were born in the wedlock. Due to misunderstanding, the petitioner is residing at Tuticorin with her parents. Both the children are residing with their father/respondent. The respondent has filed H.M.O.P.No.592 of 2014 for divorce before the Family Court, Madurai. The petitioner is residing with her brother at Tuticorin and her parents are died. It is very difficult for the petitioner to attend the hearing before the Family Court, Madurai. The distance between the Tuticorin and Madurai is 220 kms. She is not having any independent income for her day today expenses. The petitioner's brother only taking care of the petitioner.

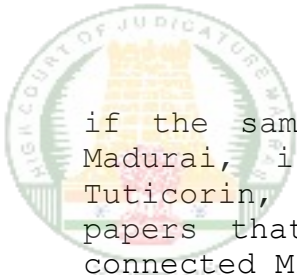
3. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.592 of 2014, filed by the respondent husband, before the Family Court, Madurai, to the Sub Court, Tuticorin.

4.The respondent entered appearance through counsel. He did not file any counter. The learned counsel for the respondent represented that the respondent is an authorized contractor for Southern Railway and it is very difficult for him to travel to Tuticorin for each and every hearing and therefore, prayed for dismissal of the Tr.C.M.P.,

5. Heard the learned counsel appearing for the parties.

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.592 of 2014, on the file of the Family Court, Madurai, is hereby withdrawn and transferred to the file of the Sub Court, Tuticorin,



if the same is not yet disposed of. The learned Family Court Judge, Madurai, is directed to send the case bundles to the Sub Court, Tuticorin, 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/-

The Assistant Registrar

/True copy/

Sub-Assistant Registrar

To

1. The Family Court, Madurai.
2. The Sub Court, Tuticorin.

+1cc to Mr.N.Anandakumar, Advocate SR.No.33755

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