



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.452 of 2014 and
M.P. (MD) .No. 1 of 2015

P.S. Amutha : Petitioner

Vs.

C. Rajkumar : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw HMOP.No.181 of 2014 on the file of the Sub Court, Palani, and transfer the same to the Sub Court, Periyakulam.

For Petitioner : Mr. A.K. Manickam
For Respondent : Mr. V. Nagenthiran

O R D E R

This petitioner, who is the respondent in HMOP.No.181 of 2014 filed this petition, to transfer HMOP.No.181 of 2014, from the file of Sub-Court, Palani, to Sub-Court, Periyakulam.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 31.08.2011, as per Hindu Rites and Customs. After marriage, both were residing in matrimonial home at Palani, as joint family. A male child was born on 24.10.2012, in the wedlock. After the birth of child, the respondent and his family members tortured the petitioner and demanded more dowry. Therefore, the petitioner gave a complaint before the All Women Police Station, Palani and the same has been registered in Crime No.16 of 2014, for the offences under Sections 294(b), 498-A and 506(i) of IPC. Subsequently, the respondent filed HMOP.No.181 of 2014, before the Sub Court, Palani, for divorce.

3. Now, the petitioner is staying with her aged parents at Periyakulam, Theni District. The distance between Periyakulam and Palani is approximately 102 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.181 of 2014, before the Sub Court, Palani. Further, the petitioner is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.181 of 2014, from the file of Sub-Court, Palani, to Sub-Court, Periyakulam.

4. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent ~~severed~~ ^{submitted} that it will not be difficult for the petitioner, to attend hearing at Sub-Court, Palani, and he prayed for dismissal of this Transfer C.M.P.



5. Heard the learned counsel appearing for both 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, the Transfer CMP is allowed and HMOP No.181 of 2014, pending on the file of the Sub-Court, Palani, is ordered to be withdrawn and transferred to the file of the Sub-Court, Periyakulam. The learned Subordinate Judge, Palani, is directed to transmit the entire records pertaining to the case in HMOP No.181 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 the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Palani.
2. The Subordinate Judge, Periyakulam.
3. The Principal District Judge, Dindigul.
4. The Principal District Judge, Theni.

Copy to

The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.AK.MANICKAM, Advocate in SR.No. 30939

Trp

SR/KBM : 07.07.2015 : 2p/7c

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