



WEB COPY

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.457 of 2014

and

M.P(MD)No.1 of 2014

S.Anusuya

... Petitioner

Vs.

M.Subramanian @ Babu

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.178 of 2014 from the file of Subordinate Judge, Kovilpatti and transfer the same to the file of competent Court at Tirunelveli.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.P.Subbiah

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.178 of 2014 from the file of Subordinate Judge, Kovilpatti and transfer the same to the file of competent Court at Tirunelveli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.11.2009. A male child was born on 11.02.2011 in the wedlock. The minor son is suffering from Neonatal Anomalies. The child was admitted to Tirunelveli Medical College Hospital and underwent three operations in Tirunelveli Medical College Hospital in the year 2013. The respondent is working as a Salesman in a private Cloth Store at Kovilpatti. Considering the condition of the child, both the petitioner and the respondent shifted their residence to Tirunelveli and were residing together at Tirunelveli. In the year 2014, the respondent forcibly took the child and left to Kalugumalai. On complaint to the police, the child was restored to the petitioner.

3. The petitioner is now residing with her parents at Tirunelveli for treatment of her minor son at Tirunelveli Medical College Hospital. She is not having any independent income. She is depending on her parents for her day to day expenses. The child is only three years old and require continuous medical treatment. The petitioner's father is working in a night watchman in a Textile shop at Tirunelveli. Now, the respondent filed H.M.O.P.No.178 of 2014 before the Subordinate Court, Kovilpatti for Restitution of Conjugal Rights. The distance between the Kovilpatti and Tirunelveli is about 75 Kms and it is very difficult for the petitioner to travel each and every hearing along with minor child to attend H.M.O.P.No.178 of 2014



at Kovilpatti. 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.178 of 2014 filed by the respondent/Husband before the Subordinate Court, Kovilpatti to the Competent Court at Tirunelveli.

5. Heard the learned counsel appearing for the petitioner.

6. The respondent has entered appearance through Advocate and he did not file any counter affidavit.

7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.178 of 2014 on the file of the Subordinate Court, Kovilpatti, is hereby withdrawn and transferred to the file of the Subordinate Court, Tirunelveli, if the same is not yet disposed of. The learned Subordinate Judge, Kovilpatti, is directed to send the case bundles to the Subordinate Court, Tirunelveli, 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/-
Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Kovilpatti.
- 2.The Subordinate Judge, Tirunelveli.
- 3.The Principal District Judge, Tuticorin.
- 4.The Principal District Judge, Tirunelveli.

+lcc to Mr.N.Dilip Kumar, Advocate Sr.NO.30214

akm/03.07.15 /2p-4c/

Tr.C.M.P. (MD)No.457 of 2014
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