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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.468 of 2014

and

M.P (MD) No.1 of 2014

Usmin

... Petitioner

Vs.

Mohamed Yonus

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the G.W.O.P.No.118 of 2013 on the file of the Principal District and Sessions Court, Namakkal and to transfer the same to the G.W.O.P.No.118 of 2013 on the file of the Principal District and Sessions Court, Ramanathapuram or any other Court.

For Petitioner : Mr.J.M.Hassanul Bazari

For Respondent : Mr.R.Ananthapadmanabhan

#### ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw G.W.O.P.No.118 of 2013 on the file of the Principal District and Sessions Court, Namakkal, and to transfer the same to the file of the Principal District and Sessions Court, Ramanathapuram, or any other Court.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.07.2010. The respondent is working as a Technology Analyst in Bangalore and he is earning Rs.60,000/- per month. The petitioner is a B.E., Graduate. After the marriage, the respondent went to abroad for his work and the petitioner is living with her in-laws. They demanded more dowry and abused her. A female child was born on 13.05.2011, in the wedlock.

3. On 14.12.2011, the petitioner was sent out from the matrimonial home and thereafter, she is residing with her parents house in a village near Kilakarai, Ramanathapuram District. The petitioner lodged a complaint before the All Women Police Station, Kilakarai, Ramanathapuram District, and the same was registered as Cr.No.3 of 2012, for the offences punishable under Sections 406, 498(A) of IPC and Section 4 of Dowry Prohibition Act.

4. The respondent in collusion with Government Kazi of Salem, pronounced Talaq and filed a Civil Suit in O.S.No.115 of 2012, before the Principal District Munsif, Thiruchengode, to declare the Talaq pronounced against the petitioner on 24.03.2012. The petitioner is residing at



Kangirankudi Village, Kilakarai. The petitioner being a lady, it is very difficult for her to attend each and every hearing at Thiruchengode. Therefore, she filed a petition for transfer in Tr.C.M.P.No.139 of 2012 before this Court to withdraw O.S.No.115 of 2012 from the Principal District Munsif Court, Thiruchengode, to the file of the Principal District Munsif Court, Ramanathapuram. This Court by order, dated 29.06.2012, allowed the Tr.C.M.P., and ordered to transfer O.S.No.115 of 2012 from Principal District Munsif Court, Thiruchengode, to the Family Court, Madurai. The said O.S.No.115 of 2012 was taken on file and the same was re-numbered as O.S.No.22 of 2012. The learned Family Court Judge, Madurai dismissed the same on 12.11.2013. Against the order of dismissal, the respondent has not filed any appeal.

5.The respondent filed G.W.O.P.N.118 of 2013 on the file of the Principal District and Sessions Court, Namakkal for custody of the child.

6. The petitioner filed a petition under Section 125 of Cr.P.C., before the learned Chief Judicial Magistrate, Ramanathapuram in M.C.No.56 of 2013. The respondent is appearing before the Chief Judicial Magistrate, Ramanathapuram.

7.The distance between the Thiruchengode and Ramanathapuram is 450 kms and it is very difficult for the petitioner to travel each and every hearing with her minor child to attend the case at Namakkal. The petitioner is depending on her parents for day to day expenses including travel expenses.

8.In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid G.W.O.P.No.118 of 2013 filed by the respondent/Husband pending before the Principal District and Sessions Court, Namakkal, to the Principal District and Sessions Court, Ramanathapuram.

9.Heard the learned counsel appearing for the petitioner.

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

11. 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.

12. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and G.W.O.P.No.118 of 2013 on the file of the Principal District and Sessions Court, Namakkal, is hereby withdrawn and transferred to the file of the Principal District and Sessions Court, Ramanathapuram, if the same is not yet disposed of. The learned Principal District and Sessions Judge, Namakkal, is directed to send the case bundles to the Principal District and Sessions Court, Ramanathapuram, 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.

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Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge,  
Namakkal.

2.The Principal District and Sessions Judge,  
Ramanathapuram.

+1cc to M/S..J.M.Hassanul Bazari,Advocate in SR.No 30532

Copy to

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

TS/06.07.2015/3P -5C

Tr.C.M.P. (MD)No.468 of 2014

11.06.2015