



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

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THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.55 of 2014 and

M.P. (MD) .No. 1 of 2014

Kanimozhi : Petitioner

Vs.

Manobalan : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.86 of 2013, on the file of Sub Court, Theni, to the Principal Subordinate Court, Trichy.

For Petitioner : Mr. T. Senthilkumar

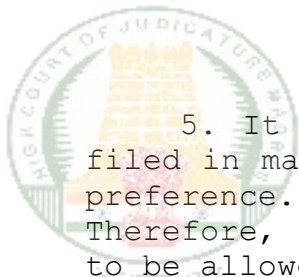
O R D E R

The petitioner, who is the respondent in HMOP.No.86 of 2013 filed this petition, to transfer HMOP.No.86 of 2013, from the file of Sub Court, Theni, to Principal Subordinate Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.04.2008. A female child was born in the wedlock. Due to mis-understanding, the respondent treated the petitioner with cruelty in the matrimonial home and hence, she left the matrimonial home along with child. She filed MC.NO.188 of 2013, on the file of Chief Judicial Magistrate Court, Trichy, claiming maintenance. Thereafter, the respondent filed HMOP.No.86 of 2013, on the file of Sub Court, Theni, for dissolution of marriage.

3. Now, the petitioner is residing with her parents at Trichy along with her minor child. The distance between Trichy and Theni is more than 180 Kilometers and it is difficult for the petitioner to appear before the Sub Court, Trichy, for attending each and every hearing of HMOP.No.86 of 2013, along with her minor child. 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 travelling expenses. In these circumstances, the petitioner has filed the present petition to transfer HMOP.No.86 of 2013, from the file of Sub Court, Theni, to the file of Sub Court, Trichy.

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. Further, the petitioner has given valid reasons for transfer. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

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6. Accordingly, the Transfer CMP is allowed and HMOP.No.86 of 2013, pending on the file of Subordinate Court, Theni, is ordered to be withdrawn and transferred to the file of Principal Subordinate Court, Trichy. The learned Subordinate Judge, Theni, is directed to transmit the entire records pertaining to the case in HMOP.No.86 of 2013, 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. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

trp

To

1. the subordinate Judge, Theni.

2. The Principal Subordinate Judge, Trichy.

+1CC to Mr.T.Senthil Kumar ADV.Sr.No.426523

GJM 28.8.15-2P-4C

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