



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANITr.C.M.P(MD)No.78 of 2014 and
M.P(MD)No.1 of 2014

C.T.Shanthi

... Petitioner
Vs.

S.Tamilselvan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.613 of 2014 from the file of Family Court II, Chennai and transfer the same to the file of Subordinate Judge, Sivakasi.

For Petitioner
For Respondent: Mr.N.Dilip Kumar
: Mr.K.N.Govardhanan**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.613 of 2014 from the file of Family Court II, Chennai and transfer the same to the file of Subordinate Judge, Sivakasi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.06.2009. a female child was born on 21.03.2010 in the wedlock. Due to misunderstanding, the respondent filed F.C.O.P.No.760 of 2010 for Restitution of Conjugal Rights before the Family Court, Chennai. The petitioner filed Tr.CMP (MD)No.99 of 2012 before this Court to transfer the F.C.O.P.No.760 of 2010 from the file of the Family Court, Chennai to Sub Court, Sivakasi. This Court, by the order dated 12.06.2012, transferred the F.C.O.P.No.760 of 2012 from Family Court, Chennai to Sub Court, Sivakasi and re-numbered as H.M.O.P.No.150 of 2012 and the same was dismissed for default. The petitioner filed M.C.No.9 of 2012 before the Judicial Magistrate, Sivakasi for maintenance for her and her minor daughter and that M.C.No.9 of 2012 was allowed on 31.05.2012. Subsequently, the respondent filed H.M.O.P.No.613 of 2013 before the Family Court II, Chennai for divorce.

3.Now, the petitioner is residing at Sivakasi with her parents along with minor child. The petitioner is not having any independent income. The distance between Sivakasi and Chennai is 500 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.613 of 2013, before the Family Court II, Chennai. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid H.M.O.P.No.613 of 2013, filed by the respondent husband, before the Family Court II, Chennai, to Sub Court, Sivakasi.



5. Heard the learned counsel appearing for the petitioner.

6. Respondent entered appearance through counsel and he did not file any counter affidavit.

7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.613 of 2014, on the file of the Family Court II, Chennai, is hereby withdrawn and transferred to the file of the Sub Court, Sivakasi, if the same is not yet disposed of. The learned Family Judge II, Chennai, is directed to send the case bundles to the Sub Court, Sivakasi, 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/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

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To

1. The Judge,
The Family Court II,
Chennai.
 2. The Sub Judge,
Sivakasi.
 3. The Section Office, VR Section,
Madurai Bench of Madras High court,
Madurai.
- +one cc Mr.N.DilipKumar, Advocate, SR.No.39093

Tr.C.M.P(MD)No.78 of 2014 and
M.P(MD)No.1 of 2014

CSL/28.07.2015
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