



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.119 of 2015 and
M.P(MD) .No.1 of 2015

R. Ramya ... Petitioner/Respondent
Vs.
S. Manikanda Boopathy ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer HMO.P.No.9 of 2015 from the file of Sub Court, Pollachi to Family Court, Madurai, for disposal in accordance with law.

For Petitioner : Mr. S. J. Chakkaravarthy for
M/s.Eddy & Embboss
For Respondent : Mr. M. Murali Sankar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMO.P.No.09 of 2015, from the file of Sub Court, Pollachi to Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.10.2012, as per Hindu Rites and Customs. Due to misunderstanding, the respondent filed HMOP.No.9 of 2015, on the file of Subordinate Court, Pollachi, for divorce, with false allegations.

3. Now, the petitioner is residing at Madurai along with her parents. The distance between Madurai and Pollachi is more than 250 Kms and it is very difficult for the petitioner to travel for each and every hearing to attend HMOP.No.9 of 2015 at Subordinate Court, Pollachi. Further, the petitioner is not having any independent income. She is only depending on her parents for her day- to-day expenses, including travelling expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMOP.No.9 of 2015, from the file of Subordinate Court, Pollachi, to Family Court, Madurai.

5. Heard the learned counsel for the petitioner. The respondent entered appearance through counsel. He filed counter affidavit denying all the averments made by the petitioner. According to the respondent, the petitioner has filed the Transfer CMP only to drag on the proceedings and to harass the respondent. Hence, he prayed for dismissal of this Transfer CMP.



6. It is seen from the records that now the petitioner is residing at Madurai and the petitioner being a lady it will be difficult for the petitioner to travel from Madurai to Pollachi for each and every hearing to attend HMOP.No.9 of 2015, before Sub-Court, Pollachi.

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. 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.

8. Accordingly, the Transfer CMP is allowed and HMOP.No.9 of 2015, pending on the file of Subordinate Court, Pollachi, is ordered to be withdrawn and transferred to the file of Family Court, Madurai. The learned Subordinate Judge, Pollachi, is directed to transmit the entire records pertaining to the case in HMOP.No.9 of 2015, to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. 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/-

The Assistant Registrar(CO)

/True copy/

Sub-Assistant Registrar

To

1. The Subordinate Judge, Pollachi
2. The Judge, Family Court, Madurai

Copy to: The Section Officer, Vernacular Records,
Madurai Bench of Madras High court, Madurai.

+1cc to M/s. Eddy & Embboss, Advocate SR.No.40854

+2cc to Mr. K. Muralisankar, Advocate SR.No.41428

trp

Sm:IV:SAR I:12.08.2015:2P/7C

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M.P(MD).No.1 of 2015