



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.121 of 2015 and
M.P.(MD).No. 1 of 2015

Saranya : Petitioner/Respondent

Vs.

Kannadhasan : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC to withdraw the case in HMOP.No.36 of 2015, on the file of Subordinate Court, Aruppukkottai and transfer the same to the file of the Sub Court, Sivagangai.

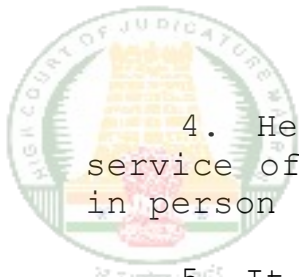
For Petitioner : Ms. R. Meenakumari
For Respondent : No appearance

ORDER

The petitioner, who is the respondent in HMOP.No.36 of 2015 filed this petition, to transfer HMOP.NO.36 of 2015, from the file of Subordinate Court, Aruppukkottai, to Sub Court, Sivagangai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.09.2013. The respondent treated the petitioner cruelly demanding more dowry. Hence, the petitioner left the matrimonial home. Thereafter, the respondent filed HMOP.No.36 of 2015, on the file of Subordinate Court, Aruppukkottai, for divorce.

3. Now, the petitioner is residing along with her aged parents at Nalukottai Village, Sivagangai District. The Distance between Nalukottai Village, Sivagangai District and Aruppukkottai is approximately 50 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.36 of 2015, before the Sub Court, Aruppukkottai. According to the petitioner, the respondent is very influential person with money and muscle power at Aruppukkottai. If she goes to Aruppukkottai, her life is in danger and no safety for her. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.36 of 2015, on the file of Sub Court, Aruppukkottai, to Sub Court, Sivagangai.



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 CMP. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

6. Accordingly, the Transfer CMP is allowed and HMOP.No.36 of 2015, pending on the file of Subordinate Court, Aruppukkottai, is ordered to be withdrawn and transferred to the file of Sub Court, Sivagangai. The learned Subordinate Judge, Aruppukkottai, is directed to transmit the entire records pertaining to the case in HMOP.No.36 of 2015, 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 (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Aruppukkottai.

2. The Subordinate Judge, Sivagangai.

TRP

TE/SKN/SAR-II 27/08/2015 2P/3C

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