



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.134 of 2015 and
M.P(MD).No.1 of 2015

Lavanya

... Petitioner/Respondent

Vs.

Karthigaivel

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer HMO.P.No.107 of 2015 from the file of II Additional Family Court, Chennai to Sub Court, Theni, for disposal in accordance with law.

For Petitioner : Mr. D. Malaichamy
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMO.P.No.107 of 2015, from the file of II Additional Family Court, Chennai to Sub Court, Theni.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.06.2012, as per Hindu Rites and Customs. A male child was born in the wedlock, on 01.08.2012. After the birth of child, the respondent tortured the petitioner cruelly and deserted her. The respondent filed HMOP.No.107 of 2015, on the file of II Additional Family Court, Chennai, for restitution of conjugal rights, making false allegations.

3. Now, the petitioner is residing at Natchiyapuram Village, Theni District, along with minor child. The parents of the petitioner also passed away. The distance between Natchiyapuram Village, Theni District and Chennai is about 500 Kms and it is very difficult for the petitioner to travel for each and every hearing to attend HMOP.No.107 of 2015 at Family Court, Chennai, along with minor child. Further, she is not having any independent income. The petitioner is only depending on her maternal grand-father for her day- to-day expenses, including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMO.P.No.107 of 2015, from the file of II Additional Family Court, Chennai, to Sub Court, Theni.

5. Heard the learned counsel for the petitioner. When the Transfer Civil Miscellaneous Petition was taken up for hearing on 02.07.2015, Mr.A.V.Rajasekaran, learned counsel, took time for filing vakalath and counter. But, till today, he has not filed vakalat and counter.



6. 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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7. Accordingly, the Transfer CMP is allowed and HMOP.No.107 of 2015, pending on the file of II Additional Family Court, Chennai, is ordered to be withdrawn and transferred to the file of Sub Court, Theni. The learned II Additional Family Court Judge, Chennai, is directed to transmit the entire records pertaining to the case in HMOP.No.107 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.

Trp

Sd/-

Assistant Registrar[Writs]

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Theni.

2. The II Additional Principal Judge,
II Additional Family Court, Chennai.

Copy To: The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.D.Malaichamy, Advocate SR.No.39433.

Tr.C.M.P(MD)No.134 of 2015 and
M.P(MD).No.1 of 2015

Dated:16.07.2015

2P/5C

RPB/KBM/SAR-I 29.07.2015