



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. (MD) No.151 of 2015

and

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

S.Padmavathy ... Petitioner/Petitioner/Respondent

Vs.

M.Senthilkumar ... Respondent/Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w. Section 151 of C.P.C., to withdraw H.M.O.P.No.481 of 2014 on the file of Family Court, Madurai and transfer the same to the file of the Sub Court, Tenkasi.

For Petitioner : Mr.R.Ramasamy

For Respondent : No appearance

O R D E R

The petitioner has filed the Transfer Civil Miscellaneous Petition to withdraw H.M.O.P.No.481 of 2014 on the file of Family Court, Madurai and transfer the same to the file of Sub Court, Tenkasi.

2. According to the petitioner, the marriage between the petitioner and the respondent was solemnised on 02.02.2006 as per Hindu Rites and Customs. In the wed lock, two children were born. Both the delivery was by cesarean operation. After the birth of second child, the respondent has not turned up to see the child and issued a legal notice dated 10.06.2014 for restitution of conjugal rights. Thereafter, he filed H.M.O.P.No.481 of 2014 before the Family Court, Madurai. The petitioner is residing at Tenkasi and the distance between Tenkasi and Madurai is more than 170 kms. She is residing with her parents and depending upon her parents for day-to-day expenses including travel expenses. The Doctor advised her not to travel and she is finding it very difficult to travel with a child. In the circumstances, the petitioner has come out with the present petition.

3. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

4. It is well settled that whenever, the transfer application 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.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.481 of 2014 on the file of Family Court, Madurai, is hereby withdrawn and transferred to the file of Sub Court, Tenkasi. The learned Family Court Judge, Madurai, is directed to send the case bundles



to the Sub Court, Tenkasi immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

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

Copy to

The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.R.RAMASAMY, Advocate in SR.No. 26866

Akv

SR/KBM : 07.07.2015 : 2p/5c

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