



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.16 of 2015 and

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

Santhanamari @ Sumathi

: Petitioner/Respondent

Vs.

Duraipandian

: Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.58 of 2014 on the file of the Family Court, Dindigul and transfer the same to the Family Court, Tuticorin or any other Court.

For Petitioner

: Mr. M. Subash Babu

For Respondent

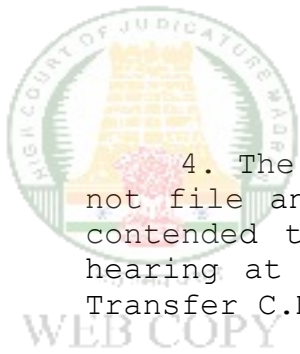
: Mr. R. Karunanidhi

O R D E R

This petitioner, who is the respondent in HMOP.No.58 of 2014 filed this petition, to transfer HMOP.No.58 of 2014, from the file of Family Court, Dindigul, to Family Court, Tuticorin or any other Court.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.06.2006, as per Hindu Rites and Customs. After marriage, both were residing in matrimonial home as joint family. The respondent and his family members tortured the petitioner both mentally and physically and demanded dowry. Hence, the petitioner was sent out from matrimonial home and now, residing with her aged parents at Tuticorin District. The petitioner filed M.C.No.3 of 2012, on the file of learned Judicial Magistrate, Vilathikulam, for maintenance. While so, the respondent filed HMOP.No.133 of 2012, before the Sub-Court, Dindigul, for divorce. Subsequently, it was transferred to Family Court, Dindigul and re-numbered as HMOP.No.58 of 2014.

3. Now, the petitioner is staying with her aged parents at Tuticorin District. The distance between Tuticorin and Dindigul is approximately 200 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.58 of 2014, before the Family Court, Dindigul. It is stated that the respondent is regularly attending the maintenance case in M.C.No.3 of 2012, before the learned Judicial Magistrate, Vilathikulam. Therefore, it will not cause any prejudice to the respondent, if the HMOP.No.58 of 2014 is transferred to Family Court, Tuticorin. Further, the petitioner is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.58 of 2014, from the file of Family Court, Dindigul, to Family Court, Tuticorin.



4. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner, to attend hearing at Family Court, Dindigul, and he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties.

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

* 7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and HMOP No.58 of 2014, on the file of Family Court, Dindigul, is hereby withdrawn and transferred to the file of Principal District Court, Tuticorin. The learned Family Court Judge, Dindigul, is directed to send the case handles to the Principal District Court, Tuticorin immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

***Amended as per order of
this court dated 07/08/2015
and made in Tr.C.M.P(MD)No.16
of 2015.***

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

To be substituted to the order already despatched on 01/07/2015.*

1. The Family Court, Dindigul.
2. The Principal District Judge, Tuticorin.

Copy to:

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

+1cc to Mr.M.Subash Babu,Advocate SR.No.31422

Tr.C.M.P.(MD).No.16 of 2015 and
M.P.(MD).No. 1 of 2015
16.06.2015

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CSL/AN-MP/SAR(AD)/07.09.2015
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