



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.163 of 2015

and

M.P (MD) No.1 of 2015

Chitra

... Petitioner

Vs.

Vijayanand

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.33 of 2015 on the file of the Subordinate Court, Pattukkottai and transfer the same to the file of the Sub Court, Sankarankovil.

For Petitioner : Mr.R.J.Karthick for
M/s.M.Saravanan
For Respondent : Mr.B.Jameel Arasu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw HMOP No.33 of 2015 on the file of the Subordinate Court, Pattukkottai, and transfer the same to the file of the Sub Court, Sankarankovil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 27.08.2012 as per Hindu Rituals. After the marriage, both petitioner and the respondent lived together in a matrimonial home at Pattukkottai. At the instigation of the parents of the respondent, he demanded dowry from the petitioner and did not permit her to join in the matrimonial home and filed H.M.O.P.No.33 of 2015 before the Sub Court, Pattukkottai, for divorce.

3.The petitioner's father is a senior citizen and his limbs are affected by paralytic disorder and her mother also suffering from age old deceases. It is very difficult for the petitioner to travel from Sankarankovil to Pattukkottai to attend each and every hearing before the Subordinate Court, Pattukkottai. She is not having any independent income. The petitioner is depending on her parents for day to day expenses including the travel expenses.

4.In the above circumstances, the petitioner/wife has filed this petition to transfer the aforesaid HMOP No.33 of 2015 filed by the respondent/husband before the Sub Court, Pattukkottai, to the Sub Court, Sankarankovil.



5.The respondent entered appearance through counsel. He did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner to appear before the Subordinate Court, Pattukkottai and prayed for dismissal of the Tr.C.M.P.

6.Heard the learned counsel appearing for the petitioner and the respondent.

7. It is well settled law 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.33 of 2015 on the file of the Subordinate Court, Pattukkottai, is hereby withdrawn and transferred to the file of the Sub Court, Sankarankovil, if the same is not yet disposed of. The learned Subordinate Judge, Pattukkottai, is directed to send the case bundles to the Sub Court, Sankarankovil, 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.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Sivakasi.

2.The Subordinate Judge, Sankarankovil.

+1cc to M/S.M.Saravanan, Advocate in SR.No 28108

+1cc to M/S. B.JAMEEL ARASU,Advocate in SR.No 28779

TS/18.06.2015/2P -5C

Tr.C.M.P. (MD)No.163 of 2015

05.06.2015