



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2015
CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.171 of 2015 and
M.P(MD)No.1 of 2015

P. Indra

... Petitioner

Vs.

A. Bala Ganesh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP.No.47 of 2015 on the file of Sub Court, Thoothukudi to Sub Court, Nagercoil.

For Petitioner	: Mr. P. Pethu Rajesh
For Respondent	: No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.47 of 2015, on the file of Sub Court, Thoothukudi, to Sub Court, Nagercoil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.11.2012, as per Hindu Rites and Customs. A male child was born in the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner was sent out from matrimonial home. Thereafter, the respondent filed HMOP.No.47 of 2015, before the Sub Court, Thoothukudi, for restitution of conjugal rights.

3. Now, the petitioner is residing at Manakkattu Village, Thiruvananthapuram, with her aged parents. The distance between Thiruvananthapuram and Thoothukudi is approximately 300 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.47 of 2015, on the file of Sub Court, Thoothukudi. Further, there is no one to accompany with her to travel such a long distance to attend HMOP.No.47 of 2015, before the Sub Court, Thoothukudi. She further stated that the respondent is an influential person with money and muscle power. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.47 of 2015 from the file of Sub Court, Thoothukudi, to Sub Court, Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>

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 to Transfer the HMOP. 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 the HMOP No.47 of 2015 pending on the file of the Sub Court, Thoothukudi, is ordered to be withdrawn and transferred to the file of Sub Court, Nagercoil. The learned Subordinate Judge, Thoothukudi, is directed to transmit the entire records pertaining to the case in HMOP No.47 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.

Sd/-

Assistant Registrar(writ)

/True Copy/

Sub Assistant Registrar

trp

To

1. The Subordinate judge, Thoothukudi
2. The Subordinate judge, , Nagercoil.
3. THE SECTION OFFICER, V.R.SECTION, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Tr.C.M.P(MD)No.171 of 2015 and
M.P(MD)No.1 of 2015
21.07.2015

JAM/1.9.15/2P-4C