



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.174 of 2015 and

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

Chellammal @ Srinithi : Petitioner

Vs.

Sankar Mahesh : Respondent

Prayer:

This Transfer CMP is filed under Section 24 of CPC to withdraw the case in HMOP.No.442 of 2014, on the file of Family Court, Madurai and transfer the same to the file of the Sub Court, Devakottai.

For Petitioner : Mr. Kannan
For Respondent : Mr. S. Nateshraj

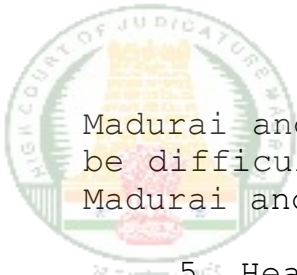
ORDER

The petitioner, who is the respondent in HMOP.No.442 of 2014 filed this petition, to transfer HMOP.NO.442 of 2014, from the file of Family Court, Madurai, to Sub Court, Devakottai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.01.2007. Subsequently, due to mis-understanding between the petitioner and the respondent, the respondent filed HMOP.No.442 of 2014, on the file of Family Court, Madurai, for divorce.

3. Now, the petitioner is residing along with her aged parents at Puduvayal, Karaikudi Taluk. The Distance between Puduvayal and Madurai is about 110 Kilometers and it is difficult for the petitioner to appear before the Family Court, Madurai, for attending each and every hearing of HMOP.No.442 of 2014. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to expenses, including the travelling expenses. In these circumstances, the petitioner has filed the present petition to transfer HMOP.No.442 of 2014, from the file of Family Court, Madurai, to the file of Sub-Court, Devakottai.

4. The respondent has filed counter affidavit stating that the petitioner filed MC.No.38 of 2015, on the file of Family Court,



Madurai and the same is pending. In the circumstances, it will not be difficult for her to attend the hearing of HMOP at Family Court, Madurai and, thus, he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties.

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6. From the records it is seen that the petitioner has already withdrawn M.C.No.38 of 2015, pending on the file of Family Court, Madurai and now, she is residing at Puduvayal Village, Karaikudi. 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.

7. Accordingly, the Transfer CMP is allowed and HMOP.No.442 of 2014, pending on the file of Family Court, Madurai, is ordered to be withdrawn and transferred to the file of Sub Court, Devakottai. The learned Family Court Judge, Madurai, is directed to transmit the entire records pertaining to the case in HMOP.No.442 of 2014, to the transferee Court, within a week from the date of receipt of a copy of this order. As and when the records received, the learned Subordinate Judge, Devakottai, is directed to dispose of the case in HMOP.No.442 of 2014, on or before 31st January 2016. The Registry is also directed to send back the papers that are pending before the Registry. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Sub Court, Devakottai.

2. The Family Court, Madurai.

+ 1 CC TO MR.S.NATESHRAJA, ADVOCATE SR NO.42497

+ 1 CC TO MR.R.SUNDAR SRINIVASAN, ADVOCATE SR NO. 42322

TRP

TE/AN/MP/SAR-I 20/08/2015 2P/5C