



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.177 of 2015 and
M.P(MD)No.1 of 2015

S.P.Revathy

... Petitioner/Respondent

Vs.

S.Gururajan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.25 of 2015 on the file of the Sub Court, Nagercoil and transfer the same to Sub Court, Kovilpatti.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.25 of 2015 on the file of the Sub Court, Nagercoil and transfer the same to Sub Court, Kovilpatti.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.12.2009 as per Hindu Rites and Customs. A male child was born on 07.02.2012 in the wedlock. Due to misunderstanding, the petitioner is residing with her parents and her child. The respondent filed H.M.O.P.No.25 of 2015 for Restitution of Conjugal Rights before the Principal Sub Court, Nagercoil.

3.Now, the petitioner is residing at Kovilpatti. The child is studying at Kovilpatti Nadar Kamaraj Matriculation School. The distance between the Kovilpatti and Nagercoil is 150 kms. It is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.25 of 2015 before the Principal Sub Court, Nagercoil. The respondent is working at Salem and only with an ulterior motive, this HMOP is filed. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid H.M.O.P.No.25 of 2015, filed by the respondent husband, before the Principal Sub Court, Nagercoil to Sub Court, Kovilpatti, solely on the ground that the respondent has to travel via., Kovilpatti.

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



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. Considering the above facts, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.25 of 2015, on the file of the Principal Sub Court, Nagercoil, is hereby withdrawn and transferred to the file of the Sub Court, Kovilpatti, if the same is not yet disposed of. The learned Principal Sub Judge, Nagercoil, is directed to send the case bundles to the Sub Court, Kovilpatti, immediately. 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(crl.side)

/True copy/

Sub Assistent Registrar

To

1. The Principal Sub Court,
Nagercoil.

2. The Sub Court,
Kovilpatti.

3.The Section officer V.R Section, Madurai Bench of Madras High court.

+1CC TO MR. P.T. RAMESH RAJA, ADVOCATE IN SR NO.38623

Am:

sdr:28.07.2015:2p/5c

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M.P(MD)No.1 of 2015
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