



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.180 of 2015 and
M.P(MD)No.1 of 2015

Pramila

... Petitioner
Vs.

R.Palanichamy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.42/2015 on the file of the Sub Court, Kuzhithalai and transfer the same to any other competent Court in Madurai.

For Petitioner : Mr.P.Balasubramanian
For Respondent : No appearance

ORDER

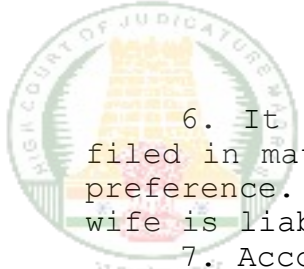
The Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No.42/2015 on the file of the Sub Court, Kuzhithalai and transfer the same to any other competent Court in Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.04.2007, as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in a matrimonial home at Velachery. A male child was born on 26.07.2008. After delivery of the child, the respondent and his family members insisted for more dowry and did not allow the petitioner to join the matrimonial home. Due to misunderstanding, the respondent filed H.M.O.P.No.42 of 2015, before the Sub Court, Kuzhithalai for divorce.

3. Now, the petitioner is residing at Madurai with her parents along with minor child. According to the petitioner, the distance between Madurai and Kuzhithalai is 90 kms and she is not having any independent income and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.42 of 2015, before the Sub Court, Kuzhithalai. 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 HMOP No.42 of 2015, filed by the respondent husband, before the Sub Court, Kuzhithalai, to any other competent Court in Madurai.

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. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.42 of 2015, on the file of the Sub Court, Kuzhithalai, is hereby withdrawn and transferred to the file of the Principal Sub Court, Madurai, if the same is not yet disposed of. The learned Sub Judge, Kuzhithalai, is directed to send the case bundles to the Principal Sub Court, Madurai, 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(T&P)

/True copy/

Sub Assistant Registrar

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To

1. The Sub Court, Kuzhithalai.

2. The Principal Sub Court, Madurai

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

+one cc to B. Pugalendi, Advocate, SR.No.38014

Tr.C.M.P(MD)No.180 of 2015 and

M.P(MD)No.1 of 2015

Dated: 13.07.2014

CSL/28.07.2015

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