



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.184 of 2015 and
M.P(MD)No.1 of 2015

A.Sornabagavathy ... Petitioner

Vs.

G.Subramanian ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the Sub Court, Tenkasi in HMOP No.70 of 2015 and transfer the same to the Sub Court, Devakottai, Sivagangai District.

For Petitioner	: Mr.S.Madhavan
For Respondent	: Mr.S.Rajasekar for Mr.T.Lajapathi Roy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Sub Court, Tenkasi in HMOP No.70 of 2015 and transfer the same to the Sub Court, Devakottai, Sivagangai District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.01.2008. After marriage, both the petitioner and respondent were living together in matrimonial home at Mumbai. Two female child were born in the wedlock on 14.10.2009 and 20.09.2014. Due to misunderstanding, both are living separately. The respondent filed H.M.O.P.No.70 of 2014, before the Additional Sub Court, Tenkasi for divorce.

3. Now, the petitioner is residing at Karaikudi along with her parents with two female child. The distance between Karaikudi and Tenkasi is more than 225 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.70 of 2015, before the Additional Sub Court, Tenkasi. 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 withdraw the case on the file of the Sub Court, Tenkasi and transfer the same to the Sub Court, Devakottai, Sivagangai District.



5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel and he did not file any counter.

7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.70 of 2015, on the file of the Additional Sub Court, Tenkasi, is hereby withdrawn and transferred to the file of the Sub Court, Devakottai, if the same is not yet disposed of. The learned Additional Sub Judge, Tenkasi, is directed to send the case bundles to the Sub Court, Devakottai, 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(per.admn)

/True Copy/

Sub Assistant Registrar

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To

1. THE ADDL.SUB-JUDGE, The Additional Sub Court,
Tenkasi.

2. THE SUB-JUDGE, The Sub Court, Devakottai, SIVAGANGAI

3. THE SECTION OFFICER, V.R.SECTION, MADURAI BENCH OF MADRAS HIGH
COURT, MADURAI

+1cc to MR.T.LAJAPATHI RAY, Advocate Sr.No 42668

JAM/8.9.15/2P-5C

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