



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.186 of 2015 and

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

Asha

... Petitioner

Vs.

Paulmurugan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP.No.173 of 2014 on the file of Sub Court, Uthamapalayam, and transfer the same to the file of Sub Court, Sankarankoil.

For Petitioner

: Mr.V. Sasikumar

For Respondent

: Mr. R. Suriyanarayanan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No.173 of 2014, on the file of Sub Court, Uthamapalayam, to Sub Court, Sankarankoil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.11.2013. A female child was born on 05.08.2014, in the wedlock. After the birth of child, the respondent demanded more dowry and ill-treated the petitioner. Hence, the petitioner left matrimonial home along with her minor child. The respondent filed HMOP.No.173 of 2014, before the Sub Court, Uthamapalayam, for divorce.

3. Now, the petitioner is staying with her parents at Puliangudi, in Thirunelveli District. Her parents are aged persons and suffering from old age problems. Further the petitioner is studying B.Ed., at Veerachamy Chettiyar B.Ed., College, Puliangudi, Thirunelveli District. The distance between Puliangudi and Uthamapalayam is about 250 Kms and it is very difficult for the petitioner to travel for each and every hearing to attend HMOP at Uthamapalayam, along with minor child. Further, she is not having any independent income. The petitioner is only depending on her parents for her day to day expenses, including the travel expenses.



4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP.NO.173 of 2014, filed by the respondent, from the file of Sub Court, Uthamapalayam, to Sub Court, Sankarankoil.

5. Heard the learned counsel appearing for the petitioner. The respondent entered appearance through Advocate and he did not file any counter. At the time of arguments, the learned counsel for the respondent stated that the respondent is doing Ph.D., at Thiruvananthapuram and it is very difficult for him to travel for each every hearing to attend HMOP.No.173 of 2014 at Sankarankoil and he prayed for dismissal of this Transfer CMP.

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.

8. Accordingly, the Transfer CMP is allowed and HMOP.No .173 of 2014, pending on the file Sub Court, Uthamapalayam, is ordered to be withdrawn and transferred to the file of Sub Court, Sankarankoil. The learned Subordinate Judge, Uthamapalayam, is directed to transmit the entire records pertaining to the case in HMOP.NO.173 of 2014, 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(RT)

/True copy/

Sub Assistant Registrar

trp

To

1. The Judge, Uthamapalayam.

2. The Judge, Sankarankoil.

+one cc to M/s. R.Suriyanarayanan, Advocate, SR.No.37957

+one cc to M/s. V.Sasi Kumar, Advocate, SR.No.37587

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