



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.187 of 2015 and
M.P. (MD) .No. 1 of 2015

N. Sumathi : Petitioner

Vs.

Ramkumar : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.52 of 2015, on the file of Sub Court, Srivilliputur, and transfer the same to the file of Sub Court, Sivagangai for adjudication.

For Petitioner : Mr. Chamundi Bose

For Respondent : Mr. C. Godwin

O R D E R

The petitioner, who is the respondent in HMOP.No.52 of 2015, filed this petition, to transfer HMOP.No.52 of 2015, from the file of Sub Court, Srivilliputur, to Sub Court, Sivganganai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.09.2011. In the month of January 2013, the respondent and his family members tortured the petitioner cruelly and sent the petitioner from matrimonial home. Thereafter, the respondent filed HMOP.No. 52 of 2015, on the file of Sub-Court, Srivilliputur, for divorce.

3. Now, the petitioner is residing with her parents at Sivagangai. The distance between Srivilliputur and Sivagangai is approximately 100 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.52 of 2015, before the Sub-Court, Srivilliputur. 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. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.52 of 2015, on the file of Sub-Court, Srivilliputur to Sub-Court, Sivagangai.

4. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner, to attend hearing at Sub-Court, Srivilliputur, and he prayed for dismissal of this Transfer C.M.P.



5. Heard the learned counsel appearing for both parties.

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. 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.52 of 2015, pending on the file of Sub-Court, Srivilliputur, is ordered to be withdrawn and transferred to the file of Sub Court, Sivagangai. The learned Subordinate Judge, Srivilliputur, is directed to transmit the entire records pertaining to the case in HMOP.No.52 of 2015, 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 (AS)

/True Copy/

sub Assistant Registrar

trp

To

1. The Subordinate Judge, Srivilliputur.
2. The Subordinate Judge, Sivagangai.

+1CC to M/s.Chamudi Bose Advocate SR.No.31005

+1CC to M/s.C.Godwin Advocate SR.No.39105

+1CC to M/S.Kara Associates Advocate SR.No.39031

Tr.C.M.P. (MD) .No.187 of 2015 and

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

Dated: 16.07.2015

GJM - 29.07.2015

2P/6C