



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.19 of 2015 and
M.P. (MD) .No. 1 of 2015

D. Sathya : Petitioner

Vs.

J. Saravanan : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.189 of 2014 from the file of Principle Subordinate Court, Kumbakonam and transfer the same to the file of Principal Subordinate Court, Trichy.

For Petitioner : Mr. T. Lenin kumar
For Respondent : Mr. P. Senthil

O R D E R

The petitioner, who is the respondent in HMOP.No.189 of 2014 filed this petition, to transfer HMOP.No.189 of 2014 from the file of Principle Subordinate Court, Kumbakonam, to Principal Subordinate Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.08.2010, as per Hindu Rites and Customs. A male child was born in the wedlock. From the date of marriage, the respondent used to quarrel with the petitioner and demanded more dowry. Therefore, the petitioner left the matrimonial home and went to her parents house. While so, the respondent filed HMOP.No.189 of 2014, before the Principle Subordinate Court, Kumbakonam, for divorce.

3. Now, the petitioner is staying with her parents at Trichy along with her minor child. The distance between Trichy and Kumbakonam is approximately 100 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.189 of 2014, before the Principle Subordinate Court, Kumbakonam, along with her 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. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.189 of 2014, from the file of Principal Subordinate Court, Kumbakonam, to Principal Subordinate Court, Trichy.

4. The respondent filed counter affidavit stating that the petitioner has filed this Transfer CMP only to prolonging the case proceedings in HMOP.No.189 of 2014. He further submitted that the petitioner has not ~~filed any application~~ in HMOP.No.189 of 2014, before Principal Subordinate Court, Kumbakonam and therefore, he requested this Court for speedy disposal of the above said HMOP.



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. 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.189 of 2014, pending on the file of Principal Subordinate Court, Kumbakonam, is ordered to be withdrawn and transferred to the file of Principal Subordinate Court, Trichy. The learned Principal Subordinate Judge, Kumbakonam, is directed to transmit the entire records pertaining to the case in HMOP No.189 of 2014, to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. As and when the records received, the learned Principal Subordinate Judge, Trichy, is directed to dispose of the above said HMOP as expeditiously as possible, in any event not later than 31st March 2016. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Kumbakonam.
2. The Principal Subordinate Judge, Trichy.

Copy to

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

+1cc to MR.T.LENINKUMAR, Advocate in SR.No. 33128

+1cc to MR.M.P.SENTHIL, Advocate in SR.No. 33595

Trp

SR : 23.07.2015 : 2p/6c

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