



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD).No.208 of 2015 and

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

Manonmani

: Petitioner

Vs.

Saravana Sathyaseelan

: Respondent

Prayer:

This Transfer CMP is filed under Section 24 of CPC to withdraw the case in HMOP.No.99 of 2015, on the file of Principal Subordinate Court, Tenkasi and transfer the same to the file of the Sub Court, Ramanathapuram.

For Petitioner : Mr. N.S. Ponnaiah

For Respondent : Mr. P. Rajkumar

ORDER

The petitioner, who is the respondent in HMOP.No.99 of 2015, filed this petition, to transfer HMOP.No.99 of 2015, from the file of Principal Subordinate Court, Tenkasi, to Sub Court, Ramanathapuram.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.04.2005. Two children were born in the wedlock. Due to the difference of opinion between the petitioner and the respondent, she left the matrimonial home and filed M.C.No.16 of 2015, on the file of Chief Judicial Magistrate Court, Ramanathapuram, and the same is pending. Thereafter, the respondent filed HMOP.No. 99 of 2015, on the file of Principal Subordinate Court, Tenkasi, for restitution of conjugal rights.

3. Now, the petitioner is working as Assistant Engineer in the Tamil Nadu Electricity Board, Valuthur Gas Plant in Ramanathapuram District along with minor child. The Distance between Ramanathapuram and Tenkasi is more than 100 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.99 of 2015, before the Principal Sub Court, Tenkasi. In the circumstances, the petitioner has filed the present petition to



transfer HMOP.No.99 of 2015, on the file of Principal Sub Court, Tenkasi, to Sub Court, Ramanathapuram.

4. Heard the learned counsel for the petitioner. The respondent entered appearance through counsel and he did not file any counter.

5. 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.

6. Accordingly, the Transfer CMP is allowed and HMOP.No.99 of 2015, pending on the file of Principal Subordinate Court, Tenaksi, is ordered to be withdrawn and transferred to the file of Sub Court, Ramanathapuram. The learned Principal Subordinate Judge, Tenkasi, is directed to transmit the entire records pertaining to the case in HMOP.No.99 of 2015, 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. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Court, Tenkasi

2. The Sub Court, Ramanathapuram.

+ 1 CC TO MR.M/S.N.S.PONNAIAH, ADVOCATE SR NO.42579

TRP

TE/AN/MP/SAR-I 20/08/2015 2P/4C

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