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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.21 of 2015 and

M.P(MD)No.1 of 2015

N.Rana Agamahil @ Agila

... Petitioner

Vs.

V.Karthik

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.220 of 2014 on the file of the Sub Court, Karur and transfer the same to the file of Sub Court, Tuticorin.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.Srinivasan for
Mr.V.Perumal

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.220 of 2014 on the file of the Sub Court, Karur and transfer the same to the file of Sub Court, Tuticorin.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.02.2012, as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in matrimonial home at Sanapiratti Village, Karur. One male child was born on 05.06.2013 in the wedlock. After the birth of the child, the respondent and his parents started torturing the petitioner physically, verbally and mentally to bring dowry. Due to this, the petitioner left the matrimonial home and staying with her parents at Muthaiyapuram, Tuticorin District along with her child. The respondent filed H.M.O.P.No.220 of 2014 before the Sub Court, Karur, for divorce.

3. Now, the petitioner is staying at Muthaiyapuram along with her minor child. According to the petitioner, the distance between the Tuticorin and Karur, is more 300 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.220 of 2014, before the Sub Court, Karur. The petitioner is not having any independent income and she is depending on her parents for her day-to-day expenses including travel expenses.

4. In the above circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.220 of 2014, filed by the respondent husband, before the Sub Court, Karur, to Sub Court, Tuticorin.



6. The learned counsel for 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.220 of 2014, on the file of the Sub Court, Karur, is hereby withdrawn and transferred to the file of the Sub Court, Tuticorin, if the same is not yet disposed of. The learned Sub Judge, Karur, is directed to send the case bundles to the Sub Court, Tuticorin, 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(AS)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Karur.
2. The Subordinate Judge, Tuticorin.

Copy to:

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

+1cc to Mr.V.Perumal, Advocate SR.No.35230

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.35410

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