



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD).No.22 of 2015 and

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

S. Jeeva

: Petitioner

Vs.

P. Baskar

: Respondent

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

For Petitioner : Mr. T. Leninkumar

For Respondent : Mr. M.P. Senthil

ORDER

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 Principal Subordinate Court, Thanjavur 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 21.10.2010, as per Hindu Rites and Customs. Due to misunderstanding between the petitioner and respondent, the petitioner was sent out from matrimonial home, in the pregnancy stage. The respondent used to visit the petitioner twice in a week. In the circumstances, a male child was born on 07.09.2011. From the month of February, 2014, the respondent stopped to visiting the petitioner and he issued notice dated 21.08.2014, to give consent for dissolution of marriage. The petitioner sent reply notice dated, 28.08.2014. Thereafter, the respondent filed HMOP.No.180 of 2014, before the Principal Subordinate Court, Thanjavur for divorce.

3. Now, the petitioner is staying with her parents at Trichy. The distance between Thanjavur and Trichy is approximately 75 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.189 of 2014, before the Principal Subordinate Court, Thanjavur, 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, Thnjavur to Principal Subordinate Court, Trichy.

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 Principal Subordinate Court, Thanjavur. Her further submitted that the appearance of the petitioner is not necessary for each and



every hearing, before the Principal Subordinate Court, Thanjavur and therefore, 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. 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, Thanjavur, is ordered to be withdrawn and transferred to the file of Principal Subordinate Court, Trichy. The learned Principal Subordinate Judge, Thanjavur, 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 District Judge, Thanjavur is directed to dispose of the above said HMOP as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge, Thanjavur

2.The Principal Subordinate Judge, Trichy.

+1cc to Mr.T.Lenin Kumar,Advocate SR.No.32614

+1cc to Mr.M.P.Senthil,Advocate SR.No.32750

Tr.C.M.P. (MD) .No.22 of 2015 and

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

22.06.2015

trp

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