



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANITr.C.M.P. (MD).No.25 of 2015 and
M.P. (MD).No. 1 of 2015

Veni : Petitioner

Vs.

Periyasamy : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw HMOP.No.83 of 2014 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Family Court, Thirunelveli.

For Petitioner : Mr. P. Samuvel Gunasingh
For Respondent : Mr. G. Thalaimutharasu

O R D E R

The petitioner, who is the respondent in HMOP.No.83 of 2014 filed this petition, to transfer HMOP.No.83 of 2014 from the file of Sub Court, Kovilpatti to Family Court, Thirunelveli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 07.09.1994. After marriage, the respondent and his family members tortured the petitioner and ill-treated her, even for small issue and quarreled with her by demanding dowry. Therefore, the petitioner left from the matrimonial home. The respondent filed HMOP.No.83 of 2014, on the file of the Sub Court, Kovilpatti, for divorce.

3. Now, the petitioner is staying with her aged parents at Vadakari in Thirunelveli District. The distance between Thirunelveli and Kovilpatti is approximately 140 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.83 of 2014, before the Sub Court, Kovilpatti. 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, <https://hdservices.equitygovernmentservices/> has filed the present petition to transfer HMOP.No.83 of 2014, from the file of the Sub Court, Kovilpatti to Family Court, Thirunelveli.



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, Kovilpatti . He further submitted that if the petition is transferred to Tirunelveli, it will cause great hardship to the respondent 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.83 of 2014, pending on the file of the Sub Court, Kovilpatti, is ordered to be withdrawn and transferred to the file of the Family Court, Tirunelveli. The learned Subordinate Judge, Kovilpatti, is directed to transmit the entire records pertaining to the case in HMOP No.83 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. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Subordinate Judge, Kovilpatti
 2. The Judge, Family Court, Thirunelveli
- copy to: The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai
+One cc to Mr.P.Samuel Gunasingh, Advocate, SR.No.31523
trp
RL/5 c- 1/7/2015

Tr.C.M.P.(MD).No.25 of 2015 and
M.P.(MD).No. 1 of 2015