



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)No.32 of 2015
and
M.P(MD)No.1 of 2015

M.Kavitha ... Petitioner

Vs.

K.Marimuthu ... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in HMOP.No.850 of 2014 on the file of the Family Court, Madurai, and transfer it to the Sub Court, Virudhunagar.

For Petitioner : Mr.G.Marimuthu

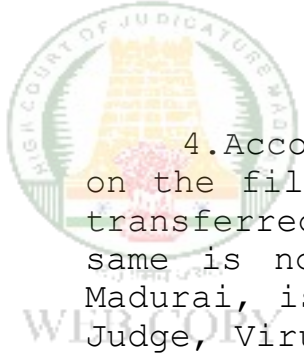
For Respondent : No appearance

O R D E R

The petitioner is the wife. Her husband/respondent filed HMOP.No.850 of 2014 on the file of the Family Court, Madurai. She has filed the present petition seeking transfer of the aforesaid HMOP from the file of the Family Court, Madurai, to the file of the Subordinate Court, Virudhunagar, where, she is residing, stating that having a male child aged 5 years and being dependent on her parents for the livelihood, it is difficult to her to travel from Virudhunagar to Madurai, which is about 60 kilometers.

2.Heard the learned counsel for the petitioner. Notice sent through Court was returned with an endorsement, "No such address". Hence, paper publication was ordered on 12.03.2015 and despite the same, the respondent has not chosen to appear and contest this petition.

3.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.



4. Accordingly, the petition is allowed and HMOP.No.850 of 2014 on the file of the Family Court, Madurai, is hereby withdrawn and transferred to the file of Subordinate Court, Virudhunagar, if the same is not yet disposed of. The learned Judge, Family Court, Madurai, is directed to send the case bundles forthwith to the Sub Judge, Virudhunagar. No costs. M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1)The Judge, Family Court, Madurai.

2)The Sub Judge, Virudhunagar.

+1cc to Mr.G.Marimuthu, Advocate, in SR. No.15614/15.

ORDER MADE IN
TR.CMP(MD)No.32 of 2015
AND M.P(MD)No.1 of 2015
DATED : 27.03.2015

NB2

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