



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.4 of 2015 and

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

Janaki : Petitioner

Vs.

Muthusamy : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.194 of 2013 on the file of the Principal Subordinate Court, Trichirapalli and transfer the same to the file of the Subordinate Court, Dindigul.

For Petitioner : Mr. R. Karunanidhi

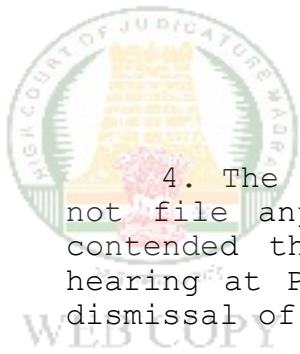
For Respondent : Mr. S. Sekar

O R D E R

The petitioner, who is the respondent in HMOP.No.194 of 2013 filed this petition, to transfer HMOP.No.194 of 2013 from the file of Principal Subordinate Court, Trichirapalli, to Subordinate Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.06.2005. Two children were born in the wedlock. After marriage, both were living together in the in the matrimonial home at Manaparai. Subsequently, they shifted their residence to Ganapathipalaym, Coimbatore. Due to mis-understanding between the petitioner and respondent, the petitioner left from matrimonial home. Now, the male child is in the custody of respondent. A female child is in the custody of petitioner and she is studying in Bharathi Matriculation School, Kovilur near Vedachandur. While so, the respondent filed HMOP.No.194 of 2013 for divorce, on the file of Principal Subordinate Court, Trichy.

3. Now, the petitioner is staying with her parents at Vedachandur. The distance between Vedachandur and Trichy is approximately 130 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.194 of 2013, before the Principal Subordinate Court, Thiruchirappalli, 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.194 of 2013, from the file of Principal Subordinate Court, Trichirapalli to Subordinate Court, Dindigul.



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, Thiruchirappalli and 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.194 of 2013, pending on the file of Principal Subordinate Court, Thiruchirappalli, is ordered to be withdrawn and transferred to the file of Subordinate Court, Dindigul. The learned Principal Subordinate Judge, Thiruchirappalli, is directed to transmit the entire records pertaining to the case in HMOP No.194 of 2013, 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 Subordinate Judge, Dindigul, is directed to dispose of the above said HMOP as expeditiously as possible, in any event not later than 31st January 2016. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Court, Trichy
2. The Subordinate Court, Dindigul
3. The Principal District Judge, Trichy.
4. The Principal District Judge, Dindigul.
5. The Sub Assistant Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai.

Copy to

The Section officer, VR Section,
Madurai Bench of Madras High Court, Madurai.
+1cc to M/S.R.Karunanidhi, Advocate in SR.No 33071
+1cc to M/S. J.Anand Kumar, Advocate in SR.No
TS/08.07.2015/2P -9C

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