



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

G. Pushpavalli : Petitioner

Vs.

S. Saravanan : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.1333 of 2014 on the file of the Family Court, Coimbatore and transfer the same to Sub-Court, Kulithalai.

For Petitioner : Mr. S. Gokulraj
For Respondent : Mr. No appearance

O R D E R

This petitioner, who is the respondent in HMOP.No.1333 of 2014 filed this petition, to transfer HMOP.No.1333 of 2014 from the file of Family Court, Coimbatore to Sub-Court, Kulithalai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 16.09.2013, as per Hindu Rites and Customs. After marriage, both were residing in the matrimonial home at Coimbatore. After some time, at the instigation of his family members, the respondent harassed the petitioner demanding dowry. Due to continuous harassment, demanding dowry by the respondent and his family members, the petitioner left from matrimonial home and gave a complaint before the All Women Police Station, Kulithalai. Further, she made a complaint before the Social Welfare Officer, Kulithalai and the same has been forwarded to the learned Judicial Magistrate-I, Kulithalai and the same was taken on file in DVOP.No.2 of 2015. Subsequently, the respondent filed HMOP.No.1333 of 2014, on the file of Family Court, Coimbatore, for divorce.

3. Now, the petitioner is staying with her aged mother at Kulithalai, Karur District. The distance between Kulithalai and Coimbatore is approximately 150 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.1333 of 2014, before the Family Court, Coimbatore. Further, she is not having any independent income. The petitioner is only depending on her mother for her day-to-day expenses, including the



travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.1333 of 2014, from the file of Family Court, Coimbatore to Sub-Court, Kulithalai.

4. Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

5. 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.

6. Accordingly, the Transfer CMP is allowed and HMOP No.1333 of 2014, pending on the file of Family Court, Coimbatore, is ordered to be withdrawn and transferred to the file of Sub-Court, Kulithali. The learned Family Court Judge, Coimbatore, is directed to transmit the entire records pertaining to the case in HMOP No.1333 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(R

/True Copy/

Sub-Assistant Registrar

To

1. The Family Court, Coimbatore.
 2. The Sub-Court, Kulithalai
 3. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai
- +One cc to Mr.S.Gokulraj, Advocate, SR.No.31404
trp
RL/5 c- 13/7/2015

Tr.C.M.P.(MD).No.47 of 2015 and
M.P.(MD).No. 1 of 2015

15.06.2015