



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.49 of 2015 and  
M.P.(MD).No. 1 of 2015

Remadevi : Petitioner

Vs.

Arun V.S. Pradeep : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.152 of 2012 on the file of the Principal Subordinate Court, Tenkasi, Thirunelveli District and transfer the same to the file of the Sub-Court, Kuzhithurai in Kanyakumari District.

For Petitioner : Mr. N. Rajendrakumar  
For Respondent : Mr. N. Ganagasapapathy**ORDER**

This petitioner, who is the respondent in HMOP.No.152 of 2012 filed this petition, to transfer HMOP.No.152 of 2012 from the file of Principal Subordinate Court, Tenkasi, Thirunelveli District to Sub-Court, Kuzhithurai in Kanyakumari District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 23.08.2009, as per Hindu Rites and Customs. After marriage, both were residing in the matrimonial home at Alankulam as a joint family. From the date of marriage, the respondent tortured the petitioner, physically, verbally and mentally and treated as slave in their house. Therefore, she left from matrimonial home. The respondent filed HMOP.No.152 of 2012, on the file of Principal Subordinate Court, Tenkasi, Thirunelveli District, for divorce.

3. Now, the petitioner is staying with her aged mother Malanvilai, Kanyakumari District. Her father expired. The distance between Malanvili, Kanyakumari District and Tenkasi, Thirunelveli District is approximately 150 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.152 of 2012, before the Principal Subordinate Court, Tenkasi, Thirunelveli District. 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.152 of 2012, from the file of Principal Subordinate Court, Tenkasi, Thirunelveli District to Sub-Court, Kuzhithurai in Kanyakumari District.



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, Tenkasi, Thirunelveli District. He further submitted that if the petition is transferred to Sub-Court, Kuzhithurai in Kanyakumari District, 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.152 of 2012, pending on the file of Principal Subordinate Court, Tenkasi, Thirunelveli District, is ordered to be withdrawn and transferred to the file of Sub-Court, Kuzhithurai in Kanyakumari District. The learned Principal Subordinate Judge, Tenkasi, Thirunelveli District, is directed to transmit the entire records pertaining to the case in HMOP No.152 of 2012, 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(AE)

\\True copy\\

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,  
Tenkasi, Thirunelveli District,

2. The Subordinate Judge,  
Kuzhithurai in Kanyakumari District.

Copy to : The Section Officer, V.R.Section,  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.N.Rajendrakumar, Advocate Sr.No.31135

akm/01.07.15 /2p-5c/

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