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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.53 of 2015 and
M.P(MD)No.1 of 2015

S. Reka ... Petitioner

Vs.

B. Prasanna Venkat ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the learned Sub-Judge, Chengalpattu in HMOP.No.113 of 2014 and transfer the same to the learned Sub Court, Devakottai, Sivagangai District.

For Petitioner : Mr.S.M. Sanjay
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No.113 of 2014 from the file of Sub Court, Chengalpattu to Sub Court, Devakottai, Sivagangai District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 19.01.2012. A female child was born in the wedlock. Due to intolerable act of respondent, the petitioner was forced to leave from the matrimonial home along with minor child. The respondent filed HMOP.No.113 of 2014, before the Sub-Court, Chengalpattu, for restitution of conjugal rights. The petitioner filed M.C.No.28 of 2014, on the file of learned Judicial Magistrate, karaikudi, for claiming maintenance.

3. Now, the petitioner is staying with her parents at Karaikudi, Sivagangai District. Her parents are aged persons and suffering from old age problems. The distance between karaikudi and Chengalpattu is about 300 Kms and it is very difficult for her to attend each and every hearing at Chengalpattu. 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. Further, there is a chance of threat to her life and minor child by the respondent.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP.No.113 of 2014, filed by the respondent before the Sub-court, Chengalpattu, to Sub Court, Devakottai, Sivagangai District.



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

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.113 of 2014, pending on the file of Sub Court, Chengalpattu, is ordered to be withdrawn and transferred to the file of Sub Court, Devakottai. The learned Subordinate Judge, Chengalpattu, is directed to transmit the entire records pertaining to the case in HMOP.No.113 of 2014, to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.O.)

\\True copy\\

Sub Assistant Registrar

To

1. The Subordinate Judge,
Chengalpattu

2. The Subordinate,
Devakottai

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

+lcc to Mr.E.M.S.N.Law Associates, Sr.No.31415

trp

akm/26.06.15 /2p-5c/

Tr.C.M.P(MD)No.53 of 2015 and
M.P(MD)No.1 of 2015