



WEB COPY

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.6 of 2015 and

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

Muthumari : Petitioner

Vs.

R. Sivakumar : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the petition made in HMOP.No.1008 of 2014 on the file of the Family Court, Coimbatore to the Family Court, Madurai.

For Petitioner : M/s. Pala Ramasamy

For Respondent : Mr. Thirumahilmaran

**O R D E R**

The petitioner, who is the respondent in HMOP.No.1008 of 2014 filed this petition, to transfer HMOP.No.1008 of 2014 from the file of the Family Court, Coimbatore, to Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 29.11.2009, as per Hindu Rites and Customs. After marriage, both were residing in the matrimonial home at Coimbatore. Due to mis-understanding between the petitioner and respondent, the petitioner was sent out from her matrimonial home. Now, the petitioner is residing with her parents at Madurai and she is working as Post Master at Karunchuthi Post office, Ilayankudi, Sivagangai District.

3. According to the petitioner, now, she is taking care of her aged mother and there is no one to accompany her to attend each and every hearing, before Family Court, Coimbatore. Further, she underwent uterus operation. The distance between Madurai and Coimbatore is approximately 300 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.1008 of 2014, before the Family Court, Coimbatore. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.1008 of 2014, from the file of the Family Court, Coimbatore, to the Family Court, Madurai.

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 Family Court, Coimbatore, and he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties.

<https://hcservices.ecourts.gov.in/hcservices/>

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.1008 of 2014, pending on the file of the Family Court, Coimbatore, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Family Court Judge, Coimbatore, is directed to transmit the entire records pertaining to the case in HMOP No.1008 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(T&P)

/True copy/

Sub Assistant Registrar

To

- 1.The Family Court, Madurai
- 2.The Family Court, Coimbatore.

Copy to:

The Section Officer,  
ER Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.Pala.Ramasamy,Advocate SR.No.31330

+1cc to Mr.M.A.Abdul Wahab,Advocate SR.No.30987

Tr.C.M.P. (MD) .No.6 of 2015 and  
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trp

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