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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.62 of 2015 and

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

V. Radha : Petitioner/Respondent

Vs.

Arun : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw HMOP.No.9 of 2014 on the file of the Sub Court, Perambalur and transfer the same to the Sub Court, Tanjore.

For Petitioner : Mr. A. Shahul Hameed

For Respondent : Mr. S.K. Mani

ORDER

This petitioner, who is the respondent in HMOP.No.9 of 2014 filed this petition, to transfer HMOP.No.9 of 2014, from the file of the Sub - Court, Perambalur, to Sub-Court, Tanjore.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 08.11.2009. A male child was born on 05.12.2010, in the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner gave a complaint, before the All Women Police Station, Perambalur. The said complaint was entrusted to Social Welfare officer. While so, the respondent filed HMOP.No.9 of 2014, before the Sub-Court, Perambalur, for divorce. Subsequently, the petitioner filed DVC.No.40 of 2014, on the file of the learned Judicial Magistrate-I, Thanjavur.

3. Now, the petitioner is staying with her aged parents at Thanjavur. The distance between Perambalur and Thanjavur is approximately 140 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.9 of 2014, before the Sub Court, Perambalur. The petitioner's parents are Agricultural Coolies. Further, the petitioner is not having any independent income. The petitioner is 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.9 of 2014, from the file of the Sub-Court, Perambalur, to Sub-Court, Thanjavur.

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 Sub-Court, Perambalur, and he prayed for dismissal of this

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.

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7. Accordingly, the Transfer CMP is allowed and HMOP No.9 of 2014, pending on the file of the Sub-Court, Perambalur, is ordered to be withdrawn and transferred to the file of the Sub-Court, Thanjavur. The learned Subordinate Judge, Perambalur, is directed to transmit the entire records pertaining to the case in HMOP No.9 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(AE)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Perambalur.
2. The Subordinate Judge, Thanjavur

Copy to:

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

+2ccs to Mr.A.Shahul Hameed, Advocate SR.No.31399

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trp

PA/AMF/17.06.2015/2P/6C (IT)