



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.68 of 2015 and
M.P.(MD).No. 1 of 2015

Ramzankani @ Nisha : Petitioner/1stDefendant

Vs.

Mubarak Ali : Respondent/Plantiff

Prayer:

This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in O.S.No.182 of 2014, on the file of the learned District Munsif, Aranthangi to District Munsif Court, Manamadurai, Sivagangai District.

For Petitioner : Mr. S. Mahendrapathy

For Respondent : No appearance

ORDER

The petitioner, who is the respondent in O.S.No.182 of 2014 filed this petition, to transfer O.S.No.182 of 2014, on the file of the District Munsif Court, Aranthangi, to District Munsif Court, Manamadurai, 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 20.09.2010. A male child was born in the wedlock. Due to cruelty by the respondent, the petitioner left the matrimonial home with child. The respondent filed O.S.No.182 of 2014, on the file of District Munsif Court, Aranthangi, for restitution of conjugal rights.

3. Now, the petitioner is staying with her parents at Manamadurai. According to the petitioner, the respondent is an influential person with money and muscle power. If she goes to Aranthangi to attend the hearing of O.S.No.182 of 2014, there is no safety to her life. Further, the distance between Aranthangi and Manamadurai is more than 140 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend O.S.No.182 of 2014, on the file of District Munsif Court, Aranthangi. 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. In the circumstances, the



petitioner has filed the present petition to transfer O.S.No.182 of 2014, on the file of District Munsif, Aranthangi, to District Munsif, Manamadurai, Sivagangai District.

4. Heard the learned counsel for the petitioner. When the matter was taken up for hearing on 08.07.2015, the learned counsel for the respondent took time for filing counter. But, till today no counter has been filed by him. Today, there is no representation for the respondent.

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. Further, petitioner has given valid reasons for Transfer. 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 O.S.No.182 of 2014, pending on the file of District Munsif Court, Aranthangi, is ordered to be withdrawn and transferred to the file of District Munsif Court, Manamadurai, Sivagangai District. The learned District Munsif, Aranthangi, is directed to transmit the entire records pertaining to the case in O.S.No.182 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 (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

1. The learned District Munsif, Aranthangi
2. The learned District Munsif, Manamadurai, Sivagangai District,

TRP

TE/PRV/SAR-I 14/08/2015 : 2P/3C

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