



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.70 of 2015 and
M.P.(MD).No.1 of 2015

M. Rajeswari : Petitioner/Respondent
Vs.
N. Manimaran : Respondent/Petitioner.

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.212 of 2014, on the file of the Family Court, Dharmapuri, and transfer the same to Principal Sub Court, Madurai.

For Petitioner : Mr.S.Pon Senthil Kumaran
For Respondent : Mr. N. Giri

ORDER

The petitioner, who is the respondent in HMOP.No.212 of 2014 filed this petition, to transfer HMOP.No.212 of 2014, from the file of Family Court, Dharmapuri, to Principal Subordinate Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.05.2004. A male child was born on 30.06.2005 in the wedlock. Due to mis-understanding, the respondent sent out the petitioner from matrimonial home. Therefore, the petitioner gave complaint before the All Women Police Station, Dharmapuri. Thereafter, the respondent filed HMOP.No.212 of 2014, on the file of Family Court, Dharmapuri, for divorce.

3. Now, the petitioner is residing at Madurai with her aged mother along with minor child. The distance between Madurai and Dharmapuri is approximately 295 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.212 of 2014, on the file of Family Court, Dharmapuri, along with her minor child. Further, the petitioner is not having independent income. She is only depending on her parents for her day to day expenses including the travelling expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.212 of 2014, on the file of Family Court, Dharmapuri, to Principal Subordinate Court, Madurai.

4. The respondent filed counter affidavit denying the various averments made by the petitioner and he prayed for dismissal of this transfer C.M.P.



5. Heard the learned counsel appearing for both parties. Without deciding the allegations and counter allegations made in Transfer CMP on merits and considering the reasons given by the petitioner for transfer of the case, I hold that this is a fit case for transferring the HMOP.No.212 of 2014, on the file of Family Court, Dharmapuri, to Principal Subordinate Court, Madurai. 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, the petitioner has given valid reasons for Transfer CMP.

6. Accordingly, the Transfer CMP is allowed and HMOP.No.212 of 2014, on the file of Family Court, Dharmapuri, is ordered to be withdrawn and transferred to the file of Principal Subordinate Court, Madurai. The learned Family Court Judge, Dharmapuri, is directed to transmit the entire records pertaining to the case in HMOP.No.212 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.

Trp

Sd/-
ASSISTANT REGISTRAR (AS)

/True Copy/

SUB ASSISTANT REGISTRAR

To

1. The Judge, The Family Court, Dharmapuri,
2. The Principal Subordinate Judge, The Principal Sub Court, Madurai.

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

1CC to Mr.S. Ponsenthil Kumaran, Advocate, SR.No.40219
1CC to Mr.N. Giri, Advocate, SR.No.41087

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AM/11.08.2015