



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.83 of 2015 and
M.P(MD)No.1 of 2015

Manjula ... Petitioner
Vs.
Mohan ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.1 of 2015 on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.P.T.Ramesh Raja

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw HMOP No.1 of 2015 on the file of the Family Court, Erode, and transfer the same to the file of the Family Court, Trichy.

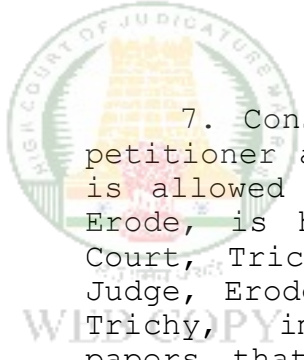
2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.06.2012 as per Hindu Rites and Customs. After the marriage, misunderstanding has arisen and the petitioner gave a complaint before the All Women Police Station, Bhavani, Erode. While so, the respondent filed H.M.O.P.No.1 of 2015, before the Family Court, Erode, for dissolution of marriage.

3.Now, the petitioner is staying at Trichy along with her parents. It is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.1 of 2015 before the Family Court, Erode. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid H.M.O.P.No.1 of 2015, filed by the respondent husband, pending before the Family Court, Erode, to the Family Court, Trichy.

5. Heard the learned counsel appearing for the petitioner. The respondent entered appearance through counsel and he did not file any counter. At the time of the hearing, the learned counsel for the respondent represented for a direction to the Family Court Judge to dispose the HMOP within a time frame fixed by this Court.

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. Considering the submissions made by the learned counsel for the petitioner and the respondent, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1 of 2015, on the file of the Family Court, Erode, is hereby withdrawn and transferred to the file of the Family Court, Trichy, if the same is not yet disposed of. The learned Family Judge, Erode, is directed to send the case bundles to the Family Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

8. The learned Family Court Judge, Trichy, is directed to dispose H.M.O.P.No.1 of 2015 as expeditiously as possible, in any event not later than 31st January 2016.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Erode.
2. The Judge, Family Court, Trichy.

Copy to

The Sub Assistant Registrar, Judicial Department,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.T.LENIN KUMAR, Advocate in SR.No. 38746

+1cc to MR.P.T.RAMESH RAJA, Advocate in SR.No. 38624

Am

SR : 31.07.2015 : 2p/6c

Tr.C.M.P(MD)No.83 of 2015 and
M.P(MD)No.1 of 2015
15.07.2015