



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

A.Ramya

... Petitioner/Respondent

Vs.

M.Ganesan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in H.M.O.P.No.253 of 2014 from the file of the Learned Subordinate Judge, Poonamalli, to the file of the Learned Family Court Judge, Madurai.

For Petitioner	: Ms.D.Geetha
For Respondent	: No Appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.253 of 2014 from the file of Subordinate Court, Poonamalli, to the file of the Family 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 18.11.2012, as per Hindu Rites and Customs. A child was born on 25.08.2013. Due to misunderstanding, the petitioner has given a complaint before the All Women Police Station, Thirumangalam, Chennai on 26.09.2014. The respondent filed H.M.O.P.No.253 of 2014, before the Sub Court, Poonamalli for dissolution of marriage.

3. Now, the petitioner is residing at Madurai along with her mother. The distance between Madurai and Poonamalli, is 500 kms and it is very difficult for the petitioner to travel to Poonamalli for each and every hearing to attend H.M.O.P.No.253 of 2014, before the Sub Court, Poonamalli.

<https://hcservices.courts.gov.in/hcservices/>
4. In the above circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.253 of 2014, filed by the respondent husband, before the Sub Court, Poonamalli, to Family



Court, Madurai.

5. Heard the learned counsel appearing for the petitioner. The respondent entered appearance through counsel and he did not file and counter.

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6. Without deciding the allegations made in the transfer petition on merits and considering the reason given by the petitioner for transfer of the case, I hold that this is a fit case for transferring the case from Sub Court, Poonamallie to Family 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. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.253 of 2014, on the file of the Sub Court, Poonamallie, is hereby withdrawn and transferred to the file of the Family Court, Madurai, if the same is not yet disposed of. The learned Sub Judge, Poonamallie, is directed to send the case bundles to the Family Court, Madurai, 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.

Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

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To

1. The Subordinate Judge, Poonamalli.
2. The Judge, Family Court, Madurai.

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

- + 1 CC to M/s. D. Geetha, ADV SR.No.38605
- + 1 CC to M/s. S. Pugalendhi, ADV SR.No.38635

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