



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD) No.89 of 2015
and
M.P(MD)No.1 of 2015

Poongodi @ Sathya

... Petitioner

Vs.

Saravanan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.241 of 2014 on the file of the Principal Subordinate Judge, Trichy to Sub-Court at Periyakulam.

For Petitioner : Mr.T.Senthil Kumar

For Respondent : Mr.C.Jeganathan

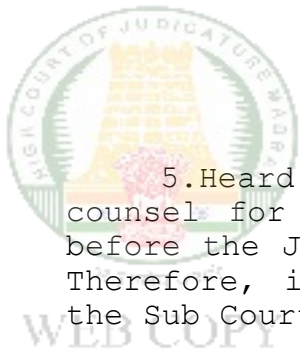
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.241 of 2014 on the file of the Principal Subordinate Judge, Trichy to Sub-Court at Periyakulam.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 31.08.2011 as per Hindu Rites and Customs. After the marriage, both lived together in matrimonial home. One female child was born in the wedlock. Due to misunderstanding and torture by the respondent and his family members, the petitioner left the matrimonial home and staying with her parents at Periyakulam along with minor child. She gave a complaint under Protection of Women from Domestic Violence Act and the same is pending before the Judicial Magistrate, Periyakulam.

3.The respondent filed H.M.O.P.No.241 of 2014 before the Principal Subordinate Judge, Trichy for Restitution of Conjugal Rights with false allegations. The respondent is an influential person and there is no safety for her life if she goes to Trichy to attend the case before the Principal Subordinate Court, Trichy. The distance between the Periyakulam and Trichy is 180 kms. The petitioner is not having any independent income and she is depending on her parents for her day to day expenses including travel expenses.

4. In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.241 of 2014 filed by the respondent/Husband pending before the Principal Subordinate Court, Trichy, to the Sub Court, Periyakulam.



5. Heard the learned counsel appearing for the petitioner. The learned counsel for the petitioner represented that the respondent is appearing before the Judicial Magistrate, Periyakulam regularly in M.C.No.1 of 2014. Therefore, it will not be difficult for the respondent to appear before the Sub Court, Periyakulam.

6. The respondent filed counter affidavit denying the averments made by the petitioner. The learned counsel for the respondent stated that the petitioner's father is an influenced person. There is a threat to his life, if he is appearing before the Sub Court, Periyakulam and therefore, he prayed for dismissal of the transfer Civil Miscellaneous petition.

7. It is well settled law that whenever, the transfer application 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.241 of 2014 on the file of the Principal Subordinate Court, Trichy, hereby withdrawn and transferred to the file of the Sub Court, Periyakulam, if the same is not yet disposed of. The learned Principal Subordinate Judge, Trichy is directed to send the case bundles to the Subordinate Court, Periyakulam, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Trichy.

2. The Subordinate Judge, Periyakulam.

3 The Section officer, VR, Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.T.Senthil Kumar, Advocate in SR.No 33601

+1cc to M/S.Veera Kathiravan, Advocate in SR.No 33553

TS/10.07.2015/2P -6C

Tr.C.M.P. (MD)No.89 of 2015

24.06.2015