



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.06.2015
CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.90 of 2015
and
M.P(MD)No.1 of 2015

Rajalakshmi ... Petitioner

Vs.

S.Sankar ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.36 of 2015 on the file of the Family Court, Villupuram and transfer it to the Family Court, Trichy.

For Petitioner : Mr.N.Mariappan
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.36 of 2015 on the file of the Family Court, Villupuram and transfer it to 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 13.06.2008 as per Hindu Rites and Customs. A male child was born on 03.08.2009 in the wedlock. After the marriage, both the petitioner and the respondent lived together in the matrimonial home along with the parents of the respondent and his family members, as joint family. On the instigation of in-laws, the respondent neglected and ill-treated the petitioner and abused her with filthy language and tortured her. During the seventh month of pregnancy, she went to her parents house and after birth of male child, the respondent and his parents had never taken care to take back her to the matrimonial home. The parents of the petitioner have made an attempt to reconcile, which was also failed.

3. The respondent filed H.M.O.P.No.128 of 2013 before the I Additional Sub Court, Villupuram, for Restitution of conjugal Rights making false allegations against the petitioner. In the service court, an ex-parte decree was passed. Subsequently, the respondent has not chosen to resume the cohabitation with the



petitioner, filed another H.M.O.P.No.36 of 2015 before the Family Court, Villupuram, for divorce, on the ground of cruelty and desertion. The petitioner and her child are living at Trichy with her parents. The distance between Trichy and Villupuram is more than 200 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case at Villupuram along with the child. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Trichy. The petitioner is depending on her parents, for day to day expenses including travel expenses.

4. In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.36 of 2015 filed by the respondent/Husband before the Family Court, Villupuram, to the Family Court, Trichy.

5. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.36 of 2015 on the file of the Family Court, Villupuram, is hereby withdrawn and transferred to the file of the Family Court, Trichy, if the same is not yet disposed of. The learned Family Court Judge, Villupuram, 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, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Family Court, Villupuram.

2.The Family Court, Trichy.

Copy To:

The Record Keeper,

VR Section, Madurai Bench of Madras High Court, Madurai

+1cc to MR.N.Mariappan, Advocate Sr.No.3142

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