



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.91 of 2015 and

M.P(MD)No.1 of 2015

Venkateswari

... Petitioner

Vs.

T.V.Shanmugam

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.12 of 2015 before the Sub Court, Palani and transfer the same to Sub Court, Mayiladuthurai.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.A.R.Kannappan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.12 of 2015 from the Sub Court, Palani and transfer the same to Sub Court, Mayiladuthurai.

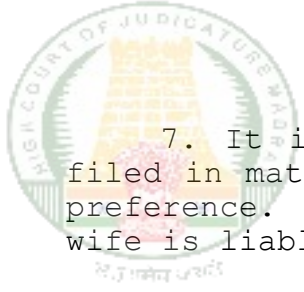
2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.10.2001, as per Hindu Rites and Customs. After the marriage, both were living together in matrimonial home at Ottanchathiram. A female child was born on 14.10.2008 in the wedlock. The petitioner was send out from matrimonial home. She filed a petition before the Judicial Magistrate, Ottanchathiram under the Domestic Violence Act. The respondent filed H.M.O.P.No.12 of 2015 before the Sub Court, Palani for Restitution of Conjugal Rights.

3. Now, the petitioner is staying at Mayiladuthurai along with her child. It is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.12 of 2015, before the Sub Court, Palani. 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 HMOP No.12 of 2015, filed by the respondent/ husband, before the Sub Court, Palani, to Sub Court, Mayiladuthurai.

5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel. Even after of taking time for filing counter, he has not filed any counter.



7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.12 of 2015, on the file of the Sub Court, Palani, is hereby withdrawn and transferred to the file of the Sub Court, Mayiladuthurai, if the same is not yet disposed of. The learned Sub Judge, Palani, is directed to send the case bundles to the Sub Court, Mayiladuthurai, 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

/True Copy/

Sub Assistant Registrar

To
1. The Subordinate Judge,
Palani.

2.The Subordinate Judge ,
Mayiladuthurai.

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

+1cc to M/S.R.Vijaya Kumar, Advocate in SR.No 37212

TS/23.07.2015/2P - 5C

Tr.C.M.P(MD)No.91 of 2015 and
M.P(MD)No.1 of 2015

08.07.2015