



WEB COPY

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

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.95 of 2015
and
M.P(MD)No.1 of 2015

J.Sheela Deiva Anbu

... Petitioner

Vs.

M.Suresh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in S.M.O.P.No.2 of 2014 on the file of the Learned I Additional District Court, Madurai and the same may be transferred to the Learned Sub-Court, Neyveli.

For Petitioner : Mr.M.Karthik Pandian

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in S.M.O.P.No.2 of 2014 on the file of the Learned I Additional District Court, Madurai and the same may be transferred to the Learned Sub-Court, Neyveli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.05.2003. Two male children were born in the wedlock. Both the petitioner and the respondents are relatives. The sister of the respondent was married to petitioner's brother. There is a matrimonial dispute between the brother of the petitioner and the sister of the respondent. For that, the respondent ill-treated and harassed the petitioner without any valid reason and she was sent out from the matrimonial home. At present she is residing with her parents at Neyveli. The first son is studying in 7th standard at Neyveli. The second son was forcibly taken by the respondent and the complaint has been given to the police and the FIR was also registered against the respondent.

3.The petitioner is not having any independent income. The father of the petitioner died in the year 2013. She is depending on her brother. It is very difficult for the petitioner to travel for each and every hearing to attend the case at Madurai along with minor child. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Neyveli. The petitioner is depending on her brother for day to day expenses including travel expenses.

4.In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid S.M.O.P.No.2 of 2014 filed by the respondent/Husband before the I Additional District Court, Madurai, to the Sub Court, Neyveli.



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 S.M.O.P.No.2 of 2014 on the file of the I Additional District Court, Madurai, is hereby withdrawn and transferred to the file of the **(*)Principal District Court, Cuddalore**. The learned I Additional District Judge, Madurai is directed to send the case bundles to the **(*)Principal District Court, Cuddalore** 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(RTI)

**(*)Corrected as per order of this
Court dated: 07.08.2015 and
made in Tr.C.M.P(MD)95/2015.**

Sd/-

Assistant Registrar(Per.Admin)

/True Copy/

Sub Asst. Registrar

/True copy/

Sub Assistant Registrar

To

To be substituted the order copy already despatched

1.The I Additional District Judge,
Madurai.

2.The Principal District Judge, Cuddalore.

3.The Section Office, V.R. Section, Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.S.Jeyakarthik,Advocate SR.No.45289

Tr.C.M.P. (MD)No.95 of 2015
17.06.2015

2P/5C

AM/NGM.SS/SAR-II/28.08.2015.