



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE D. HARI PARANTHAMAN

TR.CMP(MD)No.10 of 2013 and M.P(MD)No.1 of 2013

WEB COPY

R.Rathina

... Petitioner/Respondent

Vs.

R.Madhavaraj

... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the case in HMOP.No.174/2012 on the file of the Additional Sub Court, Thanjavur, Thanjavur District to Sub-Court, Tiruchirappalli, Trichy District.

For Petitioner : Mr.J.Senthil Kumar

For Respondent : Mr.K.M.Karunakaran

O R D E R

The petitioner is the wife and the respondent is the husband. The respondent filed HMOP.No.174 of 2013 on the file of the Additional Sub Court, Thanjavur, Thanjavur District, for divorce. The petitioner also filed M.C.No.147 of 2012 on the file of the Chief Judicial Magistrate, Tiruchirappalli, for maintenance.

2.Now, the petitioner/wife has filed this petition to transfer the petition in HMOP.No.174 of 2013 from the file of the Additional Sub Court, Thanjavur District, to the file of the Sub Court, Tiruchirappalli, Trichy District, stating that being dependent on her parents for her livelihood, it is difficult to her to travel from Tiruchirappalli to Thanjavur. Further, the respondent has to attend the hearing of M.C.No.147 of 2012 on the file of the Chief Judicial Magistrate, Tiruchirappalli. Therefore, no prejudice would be caused in allowing this transfer petition.

3.Heard both sides. Learned counsel for the respondent submits that the respondent has no objection to allow this petition. He has also made an endorsement to that effect.



4.Further, it is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

5.Accordingly, the petition is allowed and HMOP.No.174 of 2013 on the file of the Additional Sub Court, Thanjavur, Thanjavur District, is hereby withdrawn and transferred to the file of the Sub Court, Tiruchirappalli, Trichy District, if the same is not yet disposed of. The learned Additional Sub Judge, Thanjavur District, is directed to send the case bundles to the learned Sub Judge, Tiruchirappalli, Trichy District, immediately. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To
1)The Additional Sub Judge,
Thanjavur District.

2)The Sub Judge,
Trichy District.

+1cc to Mr.J.Senthilkumar,Advocate SR.No.10084
+1cc to Mr.K.M.Karunakaran,Advocate SR.No.9278

ORDER MADE IN
TR.CMP(MD)No.10 of 2013
AND
M.P(MD)No.1 of 2013
DATED : 27.02.2015

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PA/11.03.2015/2P/5C