



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.218 of 2013 and
M.P. (MD) .No. 1 of 2013

S. Dhanalakshmi : Petitioner/Respondent

Vs.

M. Shantha Moorthy : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.39 of 2013 pending on the file of Sub-Court, Palani and to transfer the same Sub Court, Virudhunagar.

For Petitioner : Mr. P. Natarajan
For Respondent : Mr. S. Anand Chandrasekar

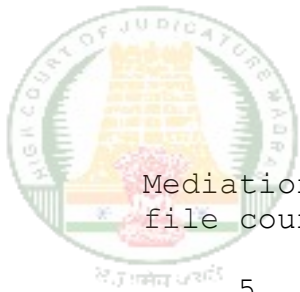
ORDER

The petitioner, who is the respondent in HMOP.No.39 of 2013 filed this petition, to transfer HMOP.No.39 of 2013 pending on the file of Sub- Court, Palani, to Sub Court, Virudhunagar.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.06.2012, as per Hindu Rites and Customs. A female child was born on 14.05.2013 in the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner left the matrimonial home. The respondent filed HMOP.No.39 of 2013, before the Sub-Court, Palani, Dindigul District, for restitution of conjugal rights.

3. Now the petitioner is living with her parents along with minor child at Virudhunagar. . The distance between Virudhunagar and Palani is approximately 210 Kilometers and it is very difficult for the petitioner to travel such a long distance along with minor child. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.39 of 2013, from the file of Sub-Court, Palani, to Sub-Court, Virudhunagar.

4. Heard the learned counsel appearing for the petitioner. The matter was posted before Mediation and Conciliation Centre attached to this court on 04.07.2013. By the proceedings dated 09.10.2013, Mediation and Conciliation Centre filed report stating that the



Mediation could not succeed. Even after that, the respondent did not file counter.

5. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Further, the petitioner has given valid reasons for Transfer. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

6. Accordingly, the Transfer CMP is allowed and HMOP No.39 of 2013, pending on the file of Sub-court, Palani, is ordered to be withdrawn and transferred to the file of Subordinate Court, Virudhunagar. The learned Subordinate Judge, Palani, is directed to transmit the entire records pertaining to the case in HMOP No.39 of 2013, to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. Since the HMOP is of the year 2013, the learned Subordinate Judge, Virudhunagar, is directed to dispose of the above said HMOP, as expeditiously as possible, in any event not later than 31st December, 2015. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (C.O.)

\\True copy\\

Sub Assistant Registrar

To

1. The Subordinate Judge, Palani
2. The Subordinate Judge, Virudhunagar.

+lcc to Mr.N.Tamilmani, Advocate Sr.No.38320

+lcc to M/s.Sarvabhauman Associates, SR.No.38438

akm/05.08.2015 /2p-5c/

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