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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP(MD)No.296 of 2013

and

M.P(MD)No.1 of 2013

V.Nirmala

... Petitioner

Vs.

R.Santhanarama Krishnan

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the OP.No.381 of 2013 on the file of the Family Court, Chennai, and transfer the same to Family Court, Madurai.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondent : No appearance

O R D E R

The petitioner is the wife and the respondent is the husband. The respondent filed OP.No.381 of 2013 on the file of the Family Court, Chennai, for divorce. The petitioner also filed HMOP.No.108 of 2013 on the file of the III Additional Sub Judge, Madurai, seeking restitution of conjugal rights and also filed M.C.No.31 of 2013 on the file of the Chief Judicial Magistrate, Madurai, seeking maintenance.

2.Now, the petitioner/wife has filed this petition to transfer the petition in OP.No.381 of 2013 from the file of the Family Court, Chennai, to the file of the Family Court, Madurai, stating that having a child aged about 2 years, it is difficult to her to travel from Madurai to Chennai. Further, the respondent has to attend the hearing of M.C.No.31 of 2013 on the file of the Chief Judicial Magistrate, Madurai. Therefore, no prejudice would be caused in allowing this transfer petition. The learned counsel for the petitioner has also submitted that the petition in OP.No.381 of 2013 is pending on the file of the Family Court, Chennai.

3.Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear and contest the transfer petition.

4.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of wife shall be given preference. Furthermore, the learned counsel for the respondent has no objection to allow the petition. 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 Accordingly, the petition is allowed and OP.No.381 of 2013 on the file of the Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Madurai, if the same is not yet disposed of. The learned Judge, Family Court, Chennai, is directed to send the case bundles to the Family Court Judge, Madurai, immediately. No costs. M.P (MD)No.1 of 2013 is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

1) The Judge, Family Court, Chennai.

2) The Judge, Family Court, Madurai.

TS/10.03.2015/2P-3C

ORDER MADE IN
TR.CMP (MD) No.296 of 2013
AND
M.P (MD) No.1 of 2013
DATED : 24.02.2015