



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.387 of 2013 and
M.P(MD)No.1 of 2013

Amirthapandi @ Pandy

... Petitioner/Respondent

Vs.

Muniyandi

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.64 of 2013 from the file of the Sub Court, Srivilliputur, to the file of the Sub Court, Devakottai, Sivagangai.

For Petitioner : Mr. S.R. Sathan Boopathy

For Respondent : No appearance

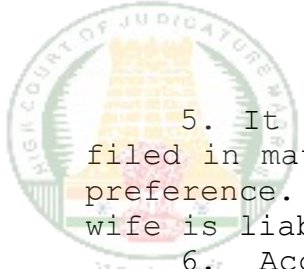
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.64 of 2013, from the file of Sub Court, Srivilliputur, to Sub Court, Devakottai, Sivganga.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.11.2004, as per Hindu Rites and Customs. Twin male children were born in the wedlock. After the birth of children, the respondent changed his attitude and tortured the petitioner, demanding dowry for going to Malasiya and sent her out from the matrimonial home. Hence, the petitioner filed M.C.No.29 of 2012, before the District Munsif Cum Judicial Magistrate Court, Karaikudi, for maintenance. Though the respondent filed counter affidavit, he did not appear before the learned District-Musif-Cum- Judicial Magistrate, Karaikudi and after enquiry, an ex parte order, dated 14.06.2013 was passed directing the respondent to pay a monthly maintenance of Rs.2,000/- and Rs.1,500/- to each children. While so, the respondent filed HMOP.No.64 of 2013, before Sub Court, Srivilliputur, for restitution of conjugal rights.

3. Now, the petitioner is staying at Vetriyur near Karaikudi along with her two children at her mother's house. The distance between Vetriyur and Srivilliputur, is about 175 Kms and it is very difficult for her to attend each and every hearing at Srivilliputur. There is no one to accompany her from Vetriyur to Srivilliputur to attend each and every hearing, before the Sub Court, Srivilliputur. Further, she is not having any independent income. The petitioner is only depending on her mother for day- to-day expenses, including travel expenses.

4. Heard the learned counsel for the petitioner. Though notice sent to the respondent was served by affixture and the name of the respondent was also printed in the cause list, he has not chosen to appear either in person or through counsel.



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. 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 the HMOP No.64 of 2013, pending on the file of Sub Court, Srivilliputur, is ordered to be withdrawn and transferred to the file of the Sub Court, Devakottai, Sivagangai. The learned Subordinate Judge, Srivilliputur, is directed to transmit the entire records pertaining to the case in HMOP No.64 of 2013, to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. 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/-

The Assistant Registrar(co)

/True copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge, Srivilliputhur

2.The Subordinate Judge, Devakottai, Sivagangai.

Copy to:-The Section Officer,

VR section,

Madurai Bench of Madras High court, Madurai.

Trp

Sm:KBM:03.07.2015:2P/4C

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