



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.408 of 2013 and
M.P(MD)No.1 of 2013

S.Vallikrishnaveni

... Petitioner

Vs.

M.Narayanan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.226 of 2013 on the file of Subordinate Court, Thoothukudi and transfer the same to the file of Subordinate Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr.M.Ashokkumar
For Respondent : Mr.A.S.Mujibur Rahman

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.226 of 2013 on the file of Subordinate Court, Thoothukudi and transfer the same to the file of Subordinate Court, Sivakasi, Virudhunagar District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.02.2012, as per Hindu Rites and Customs. After the marriage, both the petitioner and respondent were living together in matrimonial home at Chennai. A Male child was born on 10.12.2012 in the wedlock. Due to misunderstanding, the respondent filed H.M.O.P.No.226 of 2013 before the Sub Court, Tuticorin for dissolution of marriage.

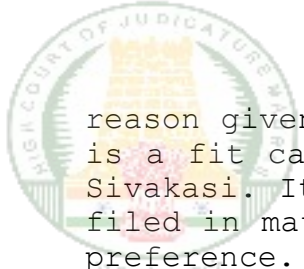
3.Now, the petitioner is residing at Sivakasi with her parents along with minor child. The petitioner is not having any independent income. The distance between Sivakasi and Tuticorin is more than 100 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.226 of 2013, before the Sub Court, Tuticorin. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.226 of 2013, filed by the respondent husband, before the Sub Court, Tuticorin, to Sub Court, Sivakasi.

5.Respondent filed counter affidavit denying allegations made by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Without deciding the allegations and counter allegations made in Transfer Civil Miscellaneous Petition on merits and considering the



reason given by the petitioner for transfer of the case, I hold that this is a fit case for transferring from Sub Court, Thoothukudi to Sub Court, Sivakasi. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.226 of 2013, on the file of the Sub Court, Tuticorin, is hereby withdrawn and transferred to the file of the Sub Court, Sivakasi, if the same is not yet disposed of. The learned Sub Judge, Tuticorin, is directed to send the case bundles to the Sub Court, Sivakasi, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

8. The HMOP is of the year 2013, the learned Sub Judge, Sivakasi is directed to dispose the HMOP No.226 of 2013 as expeditiously as possible, in any event, not later than 31st December 2015.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

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To

1. The Subordinate Judge, Tuticorin.

2. The Subordinate Judge, Sivakasi.

+1CC to Mr.M.Ashokkumar ADV.Sr.No.39588

+1CC to Mr.A.S.Mujibur Rahman ADV.Sr.No.39317

Copy to :

The Section Officer, V.R. Section,
Madurai Bench of Madras High court, Madurai.

GJM 25.8.15-2P-6C

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