



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.04.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.413 of 2013
and
M.P(MD)No.1 of 2013

Ramji

... Petitioner

Vs.

K.Arulmozhi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.137 of 2008 on the file of the Sub Court, Pudukottai to Sub Court, Trichy.

For Petitioner : Mr.P.Arun Jayatram

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer H.M.O.P.No.137 of 2008 on the file of the Sub Court, Pudukottai to Sub Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 14.09.2005 at Sri Raja Rajeswari Thirumana Mandapam, Thanjavur as per Hindu rites. Out of wedlock, a female child was born on 17.07.2006. The respondent and his family members demanded more dowry and ill-treated the petitioner and thrown out from matrimonial home. The petitioner is staying with her parents along with her child.

3.While so, the respondent filed H.M.O.P.No.137 of 2008 for divorce before the Sub Court, Pudukottai. After receiving the summons, the petitioner appeared before the Sub Court, Pudukottai. The respondent made an attempt to assault and threatened the petitioner. Therefore, she sought protection from the Trichy Seva Sangam. The Trichy Seva Sangam accepted the petitioner's request and granted asylum to the petitioner and her daughter. She has no independent income for her day to day expenses including travel expenses. She is finding it very difficult to travel from Trichy to Pudukottai along with her child. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Trichy.

4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.137 of 2008 filed by the respondent/Husband before the Sub Court, Pudukottai to the Sub Court, Trichy.

5.Heard the learned counsel for the petitioner. Despite the service of notice, the respondent has not chosen to appear either in person or through pleader.



6.It is well settled law that whenever, the transfer application 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.137 of 2008 on the file of the Sub Court, Pudukottai is hereby withdrawn and transferred to the file of the Sub Court, Trichy, if the same is not yet disposed of. The learned Sub Court, Pudukottai is directed to send the case bundles to the Court of the Sub Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

Sub Assistant Registrar

am

To

1.The Sub Judge, Pudukottai

2.The Sub Judge, Trichy.

+1cc to MR.P.ARUNJAYATRAM, ADVOCATE IN SR NO.22009

Tr.C.M.P. (MD)No.413 of 2013

23.04.2015

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