



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.179 of 2015 and
M.P(MD)No.1 of 2015

C. Deivanai

... Petitioner

Vs.

V. Ramakrishnan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.22 of 2015 from the file of the Family Court, Sivagangai to Sub Court, Poonamalli.

For Petitioner : Mr.K.C. Ramalingam
For Respondent : Mr. R. Srinivasan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.22 of 2015 from the file of the Family Court, Sivagangai to Sub Court, Poonamalli.

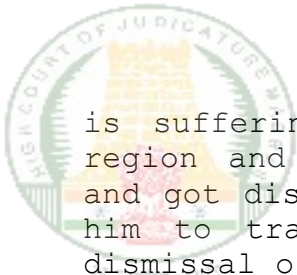
2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.03.2011. A male child was born in the wedlock on 23.06.2012. After marriage both were living together in the matrimonial home at Chennai. For delivery, the petitioner went to her parents house. After delivery of the child, the same was informed to the respondent, but, the respondent did not come and see the child. He filed HMOP.No. 22 of 2015 on the file of Family Court, Sivagangai, for divorce. The respondent is working at MP.HASIS Multinational Company, Chennai and also residing at Chennai. He never visited the petitioner and the minor child.

3. Now, the petitioner is staying with her age old parents along with minor child at Poonamalli, Madras. The distance between Poonamalli, Madras and Sivganga is about 350 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.22 of 2015, before the Family Court, Sivagangai. Further, the petitioner is depending on her parents for her day-to-day expenses including travelling expenses.

4. In such circumstances, the petitioner has filed this petition to transfer the aforesaid HMOP No.22 of 2015, filed by the respondent, from the Family Court, Sivagangai to Sub Court, Poonamalli.

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

5. The respondent filed counter affidavit stating that the petitioner



is suffering from Persistent Urachal Sinus Omphalitis in Hypogastrium region and admitted in Apollo Hospital, Madurai and underwent surgery and got discharged on 24.04.2015 and therefore, it is very difficult for him to travel from Sivagangai to Poonamalli. Hence, he prayed for dismissal of this Transfer CMP.

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6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. 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 respondent is working at MP.HASIS Multinational Company, Chennai and also residing at Chennai and the same has not been denied by the respondent. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, the Transfer CMP is allowed and the HMOP No.22 of 2015 pending on the file of the Family Court, Sivagangai, is ordered to be withdrawn and transferred to the file of the Sub-Court, Poonamalli. The learned Judge, Family Court, Sivagangai, is directed to transmit the entire records pertaining to the case in HMOP No.22 of 2015 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/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Sivagangai.
2. The Subordinate Judge, Poonamalli.

+ 1 CC TO M/S.K.C.RAMALINGAM, ADVOCATE IN SR NO. 9560
+ 1 CC TO M/S.R.SRINIVASAN, ADVOCATE IN SR NO. 9558

TRP
TE/PM-MP/AR-I : 24/02/2016 : 2P/5C

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M.P(MD)No.1 of 2015
18.02.2016