



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED :25.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.226 of 2015  
and  
M.P(MD)No.1 of 2015

M.Rajammal @ Manju

.. Petitioner

Vs.

A.Balaji

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.72 of 2015 on the file of the Sub-Court, Ponneri and transfer the same to the file of the Family Court, Nagercoil for adjudication.

For Petitioner : Mr.T.Lajapapthi Roy  
For Respondent : Mr.C.K.M.Appaji

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.72 of 2015, on the file of the Sub Court, Ponneri, Thiruvalluvar District and transfer the same to the Family Court, Nagercoil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.05.2013. After the marriage, both were lived in matrimonial home at Bodinayakanur District. In the wedlock, one male child was born on 27.07.2014. Due to unbearable torture of the respondent and his parents, the petitioner left the matrimonial home and living with her parents at Alagappapuram. Immediately, the respondent filed H.M.O.P.No.72 of 2015, before the Sub Court, Ponneri, Thiruvallur District for divorce making false allegations.

3.The petitioner is residing at Alagappapuram, Kanyakumari District with her parents along with her child. It is very difficult for her to travel from Kanyakumari to Thiruvallur for more than 770 kms for each and every hearing along with her minor child. She is not having any independent income and she is depending on her parents for day to day expenses including travel expenses.

4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.72 of 2015 filed by the respondent/Husband before the Sub Court, Ponneri, Thiruvallur District to the file of the Family Court, Nagercoil.

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

5.The learned counsel appearing for the respondent submitted that the matter is pending before the Sub Court, therefore, the appearance of the



petitioner is not necessary for every hearing and therefore, prayed for dismissal of the Transfer petition.

6. Heard the learned counsel appearing for the petitioner and the respondent.

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7. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in 2008(9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta) and AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another). Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Considering the facts and circumstances of the case and also contentions of both the parties, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.72 of 2015 on the file of the Sub Court, Ponneri, Thiruvallur District, is hereby withdrawn and transferred to the file of the Sub Court, Nagercoil. The learned Subordinate Judge, Ponneri, is directed to send the case bundles to the Sub Court, Nagercoil, 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 2015 is closed.

9. Both the learned counsel for the petitioner as well as respondent prayed for early disposal of H.M.O.P.No.72 of 2015.

10. In the circumstances, the learned Sub-Judge, Nagercoil is directed to dispose of H.M.O.P.No.72 of 2015 on merits as expeditiously as possible in any event not later than 31<sup>st</sup> July 2016. The learned Sub Judge, Ponneri is directed to send all the case bundles to learned Sub Judge, Nagercoil, immediately, without any delay.

Sd/  
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1. The Subordinate Judge,  
Ponneri.
2. The Subordinate Judge,  
Nagercoil.

Copy to: The Section Officer,  
V.R. Section,  
Madurai Bench of Madras High court, Madurai  
+1CC to M/S.T. Lajapathi Roy, Advocate, SR.No. 11069

TR.C.M.P(MD)No.226 of 2015  
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