



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.227 of 2015

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

G.Sagunthaladevi

... Petitioner

Vs.

P.Suresh

... Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case on the file of the Sub Court, Dindigul in H.M.O.P.No.46 of 2015 and to transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr.J.Ashok

For Respondent : Mr.V.Vivekanandan

### ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.46 of 2015 from the file of the Sub Court, Dindigul and transfer the same to the file of the Family Court, Tirunelveli.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.07.2012. Due to dispute, the petitioner left the matrimonial home. Thereafter, the respondent / husband filed a petition in H.M.O.P.No.46 of 2015 before the Sub Court, Dindigul, for restitution of conjugal rights. The petitioner is now residing with her aged parents at Tirunelveli. The distance between Tirunelveli and Dindigul is more than 200 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case in H.M.O.P.No.46 of 2015 on the file of the Sub Court, Dindigul. Therefore, she has come out with the present petition for transfer.

3.The learned counsel for the respondent submitted that it will be difficult for the respondent / husband to attend the hearing at Family Court, Tirunelveli.

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

4.Heard the learned counsel for the petitioner and the learned counsel for the respondent.



5.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 petitions filed by the wife is liable to be allowed.

6.Considering the facts and circumstances, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.46 of 2015 on the file of the Sub Court, Dindigul is hereby withdrawn and transferred to the file of the Family Court, Tirunelveli, if the same is not yet disposed of. The learned Sub Judge, Dindigul is directed to send the case bundles in H.M.O.P.No.46 of 2015 to the Family Court, Tirunelveli 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.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Dindigul.

2.The Judge, Family Court, Tirunelveli.

Copy To:

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

+1cc to Mr.J.Ashok, Advocate Sr.No.22206

nbj

AA/PEK/SAR-II/01.06.2016/2p-4c

**Tr.C.M.P. (MD) No.227 of 2015**  
**21.04.2016**