



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.245 of 2015

and

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

G.Rajalakshmi

... Petitioner

Vs.

Gopalsamy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w. 151 of Civil Procedure Code to withdraw the OP No.2114 of 2015 from the file of the III Additional Family Court, Madras and transfer the same to the Sub-Court, Kovilpatti.

For Petitioner : Mr.S.Ponsenthil Kumaran

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in O.P.No.2115 of 2015 from the file of the III Additional Family Court, Madars to the file of the Sub-Court, Kovilpatti.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.09.2008 as per Hindu rites and customs. After the marriage, some dispute arose between them, both are living separately. Now, she is residing with her parents at Kovilpatti. The respondent filed O.P.No.2114 of 2015 for divorce on the ground of cruelty, before the Family Court, Chennai. The petitioner/wife filed a petition in H.M.O.P.No.97 of 2015 before the Sub-Court, Kovilpatti for restitution of conjugal rights.

3.According to the petitioner, she is a differently abled person and now, she is residing at Kovilpatti with her parents and it is very difficult for her to travel from Kovilpatti to Chennai for more than 550 kms for each and every hearings and she is not having any independent income and she is depending on her parents for day to day expenses. In the above circumstances, she filed the

<https://hcmr.cemts.org/insider> Civil Miscellaneous Petition.

4.Heard the learned counsel for the petitioner. Despite



service of notice, the respondent has not chosen to appear either in person or through counsel.

5. 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.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the O.P.No.2114 of 2015 pending on the file of the III Additional Family Court, Chennai, is ordered to be withdrawn and transferred to the file of the Sub-Court, Kovilpatti. The learned III Additional Family Court Judge, Chennai is directed to transmit the entire records pertaining to the case in O.P.No.2114 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, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The III Additional Family Court,
Chennai.

2. The Subordinate Court,
Kovilpatti

Copy To:-

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

+ 1 CC TO MR.S.PON SENTHIL KUMARAN, ADVOCATE IN SR NO. 8680

NS

TE/MPA/SAR-I : 19/02/2016 : 2P/5C

Tr.C.M.P (MD) No.245 of 2015
and

M.P. (MD) .No.1 of 2015
12.02.2016