



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.03.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.251 of 2015
and
M.P.(MD) .No.1 of 2015

M.Sankari Durka ... Petitioner/Respondent.

Vs.

P.Prasanna ... Respondent/Petitioner.

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.407 of 2015 on the file of the Family Court, Madurai and transfer the same to the Family Court, Dindigul.

For Petitioner :Mr.G.Gomathi Sankar
For Respondent :Mr.C.Thangamani

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.407 of 2015 on the file of the Family Court, Madurai and transfer the same to the Family Court, Dindigul.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.11.2006. Due to dispute arose between the petitioner and the respondent, the both were living separately. The petitioner filed H.M.O.P.No.326 of 2014 before the Family Court, Dindigul for restitution of conjugal rights. Subsequently, the same was withdrawn and she filed M.C.No.77 of 2014 before the Family Court, Dindigul and the same is pending. While so, the respondent filed H.M.O.P.No.407 of 2015 before the Family Court, Madurai.

3.According to the petitioner, she is residing at Dindigul and she is very poor and she is not having any independent income. The distance between Dindigul and Madurai is more than 75 kms and it is very difficult for her to travel from Dindigul to Madurai. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4.The learned counsel appearing for the respondent submitted that the maintenance case in M.C.No.77 of 2014 filed by the petitioner was dismissed on 23.09.2015 and no case is pending before the Court at Dindigul. He further submitted that the petitioner was residing for more than 8 years at Madurai and there will not be any difficulty for her to attend the Court proceedings at Madurai and prayed for dismissal of Tr.C.M.P.



5.I have heard Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner and Mr.C.Thangamani, learned counsel appearing for the respondent and carefully perused the entire materials on record.

6.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 ordered.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered and the H.M.O.P.No.407 of 2015 pending on the file of the Family Court, Madurai is ordered to be withdrawn and transferred to the file of the Family Court, Dindigul. The learned Judge Family Court, Madurai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.407 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(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The Judge, Family Court, Madurai.

2.The Judge, Family Court, Dindigul.
Dindigul.

Copy to: The Section Officer,
V.R.Section,
Madurai Bench of Madras High court, Madurai

+1CC to M/S.G. Gomathi Sankar, Advocate, SR.No. 15253

+1CC to M/S.C.Thangamani, Advocate, SR.No. 15615

Tr.C.M.P (MD) No.251 of 2015
and
M.P. (MD) .No.1 of 2015
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AM/GSV.PM/30.03.2016/2P/6C