



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.257 of 2015

and

M.P(MD)No.1 of 2015

Sanjeevi Rani

.. Petitioner

Vs.

Sankar Ganesh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.125 of 2015, from the Family Court, Tirunelveli and to transfer the same to the Family Court, Madurai for further proceedings.

For Petitioner : Mr.P.Latha

For Respondent : Mr.A.George Stephen Kanikkairaj

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.125 of 2015, on the file of the Family Court, Tirunelveli and transfer the same to the file of Family Court, Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.08.2008. After the marriage, both were living together in the matrimonial home. A male child was born in the wedlock on 02.06.2009. Due to dispute, both of them were living separately. The petitioner filed M.C.No.49 of 2014, before the Family Court, Madurai for maintenance. After receiving notice in M.C.No.49 of 2014, the petitioner filed H.M.O.P.No.125 of 2015 on the file of the Family Court, Tirunelveli making false allegations against the petitioner, for divorce.

3.According to the petitioner, she is residing at Karimedu, Madurai District with her parents along with her child. She is not independent income and she is depending on her old age parents for her day-to-day expenses including the travel expenses. The distance between the Madurai and Tirunelveli is more than 160



kms and the petitioner is being a lady finding it very difficult to attend the hearing in the Court at Tirunelveli without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Madurai. Therefore, she prayed for transfer the H.M.O.P.No.125 of 2015, on the file of the Family Court, Tirunelveli.

4. Heard the learned counsel appearing for the petitioner.

5. The learned counsel for the respondent submitted that the it will not be difficult for the petitioner to travel from Madurai to Tirunelveli and seeks transfer to any common place.

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.125 of 2015, on the file of the Family Court, Tirunelveli, is hereby withdrawn and transferred to the file of the Family Court, Madurai. The learned Family Judge, Tirunelveli, is directed to send the case bundles to the Family Court, Madurai, 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.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

1. The Judge, Family Court, Tirunelveli.

2. The Judge, Family Court, Madurai.

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

+1CC to M/s.P.Latha Advocate Sr.No.14438

GJM/NGM/SS/23.3.16-2p-5C