



9BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.272 of 2015

and

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

Tmt.K.Amudha

... Petitioner

Vs.

G.Kaliappan @ Kumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.52 of 2015 on the file of the learned Subordinate Judge, Kancheepuram and transfer the same to the file of any one of the competent Courts at Tirunelveli, preferably the Family Court, Tirunelveli.

For Petitioner : Mr.N.Dilipkumar

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.52 of 2015 learned Subordinate Judge, Kancheepuram and to transfer the same to the file of any one of the competent Courts at Tirunelveli, preferably 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 27.06.2004. One male and one female children were born in the wedlock and her son is studying 5th Standard and her daughter is studying L.K.G in Little Angel Nursery and Primary School, Tirunelveli. Due to dispute between the petitioner and the respondent, the petitioner is residing with her mother and elder brothers at Tirunelveli along with her minor children. Whiles, the respondent filed H.M.O.P.No.52 of 2015 before the Sub-Court, Kancheepuram for divorce, with false allegations.

3.According to the petitioner, she is very poor and she is not having any independent income and she is depending on her parents and her elder brothers for her day to day expenses, including the travelling expenses. The distance between Tirunelveli and Kancheepuram is more than 500 kms and it is very difficult for her to travel such a long distance along with her children and her brothers are working as a coolie laborers in Beedi Company. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

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

4.I have heard Mr.N.Dilipkumar, learned counsel appearing for the petitioner and carefully perused the entire materials on record. Though



notice was served on the respondents and also his name is printed in the cause list, he 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 H.M.O.P.No.52 of 2015 pending on the file of the Sub-Court, Kancheepuram is ordered to be withdrawn and transferred to the file of the Family Court, Tirunelveli. The learned Subordinate Judge, Kancheepuram, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.52 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 (P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Kancheepuram.

2.The Judge, Family Court,
Tirunelveli.

Copy To:-

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

+ 1 CC TO M/S.N.DILIP KUMAR, ADVOCATE IN SR NO. 14032

NS

TE/SKS-RR/ : 23/03/2016 : 2P/5C

Tr.C.M.P (MD) No.272 of 2015
and
M.P. (MD) .No.1 of 2015
10.03.2016