



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.277 of 2015

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

Selvi @ Kannaki

... Petitioner

Vs.

Palanivel

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.112 of 2014 on the file of the Sub Court, Thoothukudi and transfer the same to Sub Court, Kumbakonam, Thanjavur District.

For Petitioner : Mr.K.Guhan  
For Respondent : Mr.A.Thiruvadikumar

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.112 of 2014 on the file of the Sub Court, Thoothukudi and transfer the same to the Sub Court, Kumbakonam, Thanjavur District.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.02.2011. The petitioner is having a female child through her first marriage and another female child through the second marriage with the respondent herein. Due to some dispute, both the husband and wife are living separately. Whiles, the respondent filed a petition in H.M.O.P.No.112 of 2014 for divorce by making various false allegations. At present, the petitioner and her children are living with her parents. Further, the petitioner filed a petition in D.V.C.No.13 of 2014 under Domestic Violence Act and M.C.No.13 of 2014 for maintenance before the II Additional District Munsif Cum Judicial Magistrate, Kumbakonam and the same are pending. Therefore, it is very difficult for her to travel each and every hearing to attend the case in H.M.O.P.No.112 of 2014 on the file of the Sub Court, Thoothukudi. The petitioner is depending on her parents for day to day expenses including travel expenses. Therefore, she has come out with the present petition for transfer.

3.The respondent has filed counter affidavit stating that at the time when he was attending II Additional District Munsif cum Judicial Magistrate Court at Kumbakonam, two advocates namely, Guna and Karikalan assaulted him. Hence, the respondent gave a complaint through his counsel. Accordingly, police protection has been given to the respondent as per the direction of the learned Magistrate. Therefore, he prayed for dismissal of this petition.



4.Both the petitioner and the respondent are making allegations and counter allegations. Those allegations are not necessary to decide the transfer petition.

5.Without deciding the allegations and denial it is to be noted that in matrimonial cases convenience of the wife shall be given preference.

6.Considering the facts and circumstances of the case and the submission of the learned counsel on either side, this Transfer Civil Miscellaneous Petition is ordered and H.M.O.P.No.112 of 2014 is hereby withdrawn and transferred to the file of the Sub Court, Myladuthurai. The learned Subordinate Judge, Thoothukudi is directed to send all the case bundles to the Sub Court, Myladuthurai. The learned Subordinate Judge, Myladurai, is hereby directed to dispose of H.M.O.P.No.112 of 2014 on or before 31<sup>st</sup> August 2016. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Thoothukudi.
- 2.The Subordinate Judge, Myladuthurai.

+1 CC to Mr.K.Guhan, Advocate, SR No.12349

Tr.C.M.P. (MD) No.277 of 2015  
03.03.2016

nbj

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