



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2016

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.(MD)No.279 of 2015

and

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

M.Deepa

... Petitioner

Vs.

D.Kannan

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the proceedings in H.M.O.P.No.86 of 2015 from file of the Family Court, Trichy, to file of the Subordinate Court, Thanjavur or any other competent Court at Thanjavur.

For Petitioner : Mr.T.V.Sivakumar

For Respondent : Mr.R.Subramanian

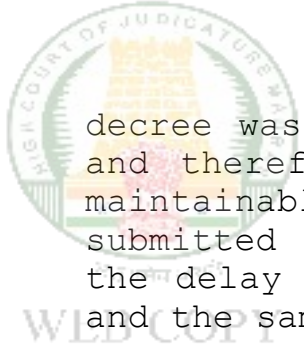
ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer the proceedings in H.M.O.P.No.86 of 2015 from file of the Family Court, Trichy, to file of the Subordinate Court, Thanjavur or any other competent Court at Thanjavur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.02.2011. Due to misunderstanding between them, both are living separately. The respondent filed H.M.O.P.No.86 of 2015, before the Family Court, Trichy, on the ground of cruelty.

3. According to the petitioner, she is residing at Thanjavur along with her parents and she is not having any independent income and depending on her parents for her day-to-day expenses including the travelling expenses. The distance between Thanjavur and Trichy is more than 50 Kilometers. It is very difficult for her to appear before the Family Court at Trichy, for each and every hearing. Therefore, she has come out with the present petition to withdraw the case in H.M.O.P.No.86 of 2015 from file of the Family Court, Trichy, and transfer the same to file of the Subordinate Court, Thanjavur or any other competent Court at Thanjavur

<https://hcservices.courts.gov.in/hcservices/>
4. Today, when the matter is taken up for hearing, the learned counsel for the respondent submitted that already an ex parte



decree was passed in H.M.O.P.No.86 of 2015 against the petitioner and therefore, the transfer civil miscellaneous petition is not maintainable. However, the learned counsel for the petitioner submitted that the petitioner filed I.A.No.75 of 2016 to condone the delay in filing application to set aside the ex parte decree and the same is pending.

5. I have heard the learned counsel appearing for the parties.

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. 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 ordered and I.A.No.75 of 2016 and H.M.O.P.No.86 of 2015 on the file of the Family Court, Trichy, are hereby withdrawn and transferred to the file of the Subordinate Court at Thanjavur. The learned Judge, Family Court, Trichy, is directed to send the case bundles to the Subordinate Court, Thanjavur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Judge,
Family Court,
Trichy.

2.The Subordinate Judge,
Thanjavur.

+One cc to Mr.H.Lakshmi Shankar, Advocate, SR.No.17503

+One cc to Mr.R.Subramanian, Advocate, SR.No.17473

smn2

RL/5c/2p/AN/MP/SARI/7/4/2016

Tr.C.M.P. (MD) No.279 of 2015

and

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