



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.281 of 2015

and

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

S.Jamuna

... Petitioner

Vs.

Thirugnana Sambandam

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.133 of 2015 on the file of the Family Court, Tirunelveli and transfer the same to the file of the Sub-Court, Tuticorin.

For Petitioner :Mr.T.Lajapathi Roy
For Respondent :Mr.J.Ashok

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.133 of 2015 from the file of the Family Court, Tirunelveli to the file of the Family Court, Tuticorin.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.04.1988 as per Hindu rites and customs. One female and one male child were born in the wedlock. The petitioner and the respondent were living together along with children. In the year 2010, their daughter Myhili while doing her engineering course, she fell in love with the relative of the petitioner and married her lover. The respondent/husband did not accept the marriage and therefore, he deserted the petitioner and the entire family and started to live separately. Thereafter, he filed H.M.O.P.No.133 of 2015 before the Family Court, Tirunelveli for divorce.

3.According to the petitioner, she is residing at Tuticorin and working in the Food Corporation of India and all the children were married and she is living separately at Tuticorin. Due to her ill-health like Diabetes, Mellitus, Libar, Spmdylosis, Compression #D12 Vertebrae, she is not able to travel from Tuticorin to Tirunelveli, which is more than 50 kms. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition.

4.The learned counsel appearing for the respondent submitted that the respondent is an aged person and it is very difficult for him to travel from Tirunelveli to Thoothukudi, which is more than 50 kms and hence, he prays for dismissal.



5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent. I have 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 allowed.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.133 of 2015 pending on the file of the Family Court, Tirunelveli is ordered to be withdrawn and transferred to the file of the Sub-Court, Tuticorin. The learned Family Court Judge, Tirunelveli is directed to transmit the entire records pertaining to the case in H.M.O.P.No.133 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(R)

/True Copy/

Sub Assistant Registrar.

To

1. The Family Court,
Tirunelveli.

2. The Subordinate Court,
Tuticorin.

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

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 8760

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