



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2016

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.292 of 2015
and
M.P(MD)No.1 of 2015

K.Hemalatha

.. Petitioner

Versus

V.R.Nagendrakumar

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the H.M.O.P.No.2684 of 2015, pending on the file of Family Court, Chennai and transfer the same to the Family Court, Madurai.

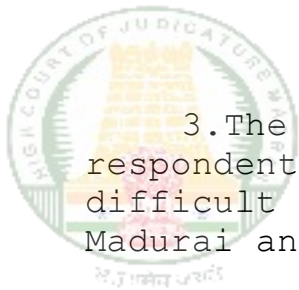
For Petitioner : Mr.N.Satheeskumar

For Respondent : Mr.D.Srinivasaragavan for
R.Muruga Bharathi

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.2684 of 2015, on the file of the Family Court, Chennai and transfer the same to the Family Court, Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 04.06.2014 as per Hindu Rites and Customs. After the marriage, both were lived together at Vadapalani at Chennai. Due to difference of opinion, the respondent left the petitioner at her mother's house at Madurai. Subsequently, the respondent filed H.M.O.P.No.2684 of 2015 before the Family Court, Chennai for divorce. The petitioner is residing at Madurai with her parents. The petitioner is residing with her aged parents. The distance between Madurai and Chennai is about 500 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case in H.M.O.P.No.2684 of 2015 on the file of the Family Court, Chennai. The petitioner is depending on her parents for day to day expenses including travel expenses. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Madurai. Therefore, she has come out with the present petition for transfer.



3.The learned counsel for the respondent stated that the respondent is working in V2SOFT Office at Chennai and it is very difficult for getting leave and appear before the Family Court, Madurai and therefore, prayed for dismissal of Tr.C.M.P.

4. 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 petitions filed by the wife is liable to be allowed.

5. Considering the facts and circumstances of the case and the submission of the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is ordered and HMOP.No.2684 of 2015 on the file of the Family Court, Chennai is hereby withdrawn and transferred to the file of the Principal Sub Court, Madurai. The learned Family Court Judge, Chennai is directed to send the case bundles in HMOPNo.2684 of 2015 to the Principal Sub Court, Madurai. 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.

6.Both the learned counsel for the petitioner and the respondent reported that there is no possibility of settlement and requested for early disposal of H.M.O.P.No.2684 of 2015.

7. The learned Principal Sub-Judge, Madurai is directed to dispose of H.M.O.P.No.2684 of 2015 on or before 31st July 2016.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Family Court, Chennai.

2.The Principal Sub Court, Madurai.

Copy to:

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

+1 CC to Mr.N.SATHEESH KUMAR, Advocate, SR No.7244

+1 CC to Mr.D.SRINIVASA RAGAVAN, Advocate, SR No.7283

Tr.C.M.P. (MD)No.292 of 2015
05.02.2016