



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2016

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. (MD) No.294 of 2015

and

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

Smt.N.Kavitha

... Petitioner

Vs.

R.Rajeshkumar

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.15 of 2015 from the file of Family Court, Dindigul and transfer the same to the file of Sub-Court, Srivilliputhur.

For Petitioner : Mr.A.Sivaji

For Respondent : Mr.T.Antony Arul Raj

ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer the case in H.M.O.P.No.15 of 2015 pending on the file of Family Court, Dindigul, to the file of Sub-Court, Srivilliputhur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.07.2012. After marriage, both the petitioner and the respondent were living in the matrimonial home at Bangalore. In the wedlock, on 12.04.2013, a male child was born to them. Due to misunderstanding between them, the petitioner left the matrimonial home and the respondent filed H.M.O.P.No.15 of 2015, before the Family Court, Dindigul, for divorce.

3. Now, the petitioner is residing at Srivilliputhur. According to the petitioner, the distance between Srivilliputhur and Dindigul is more than 340 kilometers. It is very difficult for her to attend each and every hearing before the Family Court, Dindigul, and she is not having any independent income. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.15 of 2015 from the file of Family Court, Dindigul, to the file of Sub-Court, Srivilliputhur.

4. The learned counsel for the respondent submitted that the respondent is working at Bangalore and it is very difficult for him to attend each and every hearing before the Sub-Court, Srivilliputhur, and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

5. 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, as held by the Hon'ble Supreme Court in the Judgments reported in 2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta] and AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another].

7. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.15 of 2015 pending on the file of Family Court, Dindigul, is hereby withdrawn and transferred to the file of Subordinate Court, Srivilliputhur. The learned Family Court Judge, Dindigul, is directed to send the case bundles to the Subordinate Court, Srivilliputhur, 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 (CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Family Court Judge, Dindigul.
- 2.The Subordinate Judge, Srivilliputhur.

+1 CC to M/s.A.Sivaji, Advocate, SR No.8492

Tr.C.M.P. (MD) No.294 of 2015

and

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

10.02.2016

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