



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :11.03.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.301 of 2015
and
M.P(MD)No.1 of 2015

M.Amutha

.. Petitioner

Vs.

Sasikumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.402 of 2014 pending before the Family Court, Dindigul and transfer the same to Family Court, or any competent Court at Madurai.

For Petitioner : Mr.S.Muniyandi
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.402 of 2014, on the file of the Family Court, Dindigul and transfer the same to the file of Family Court, or any competent Court at Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.09.2013 as per Hindu Rites and Customs. After the marriage, both were living together in the matrimonial home at Dindigul. The respondent harassed the petitioner by demanding additional dowry and driven out the petitioner from the matrimonial home. The steps taken for reunion entered in vain. While so, the respondent filed H.M.O.P.No.402 of 2014 before the Family Court, Dindigul, for divorce.

3.Now, the petitioner is residing with her parents at Madurai. She is not having any independent income and she is depending on her parents for her day-to-day expenses including the travel expenses. The petitioner being a lady, finds it very difficult to attend the hearing in the Court at Dindigul without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Madurai. The learned counsel for the petitioner submitted that when the petitioner went to Family Court, Dindigul on 06.07.2015 to attend the Court proceedings, the respondent and his relatives attacked the petitioner and threatened her with dire consequences. Therefore,



she prayed for transfer the H.M.O.P.No.402 of 2014 on the file of the Family Court, Dindigul to Family Court, or any competent Court at Madurai.

4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

5. 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)**. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.402 of 2014 on the file of the Family Court, Dindigul, is hereby withdrawn and transferred to the file of the Family Court, Madurai. The learned Family Judge, Dindigul, is directed to send the case bundles to the Family Court, Madurai, immediately. 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.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

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To

1.The Judge, Family Court, Dindigul.

2.The Judge, Family Court, Madurai.

Copy to:

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

+1 cc to Mr.S.Muniyandi, Advocate, SR No.13959

TR.C.M.P (MD) No.301 of 2015
11.03.2016

RG.AN-MP/SAR-I

23.03.2016

2P/5C