



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM:

WEB COPY

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.302 of 2015
and C.M.P.(MD)No.1 of 2015

Kaleeswari ... Petitioner/Respondent

Vs.

Manikandan ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.80 of 2015 on the file of the Sub Court, Uthamapalayam to the file of Sub Court, Srivilliputhur.

For Petitioner : Mr.R.Narayanan
For Respondent : Mr.K.Guhan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.80 of 2015 on the file of the Sub Court, Uthamapalayam 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 13.12.2009 and they were blessed with a female child. Due to some dispute, both the husband and wife are living separately. Whiles, the respondent filed a petition in H.M.O.P.No.80 of 2015 before the Sub Court, Uthamapalayam for divorce by making various false allegations. The father of the petitioner died and there is no male member to accommodate her to attend the Court proceedings at Uthamapalayam. At present, the petitioner and her child are living with her mother at Srivilliputhur. Therefore, it is very difficult for her to travel each and every hearing to attend the case in H.M.O.P.No.80 of 2015. The petitioner is depending on her parents for day to day expenses including travel expenses. Therefore, she has come out with the present petition for transfer.

3.The respondent has filed counter affidavit stating that he is residing at Venniyar Estates in Megamalai, Uthamapalayam and the said place is fully covered by hills and the distanced between Megamalai to Srivilliputhur is around 300 kms and there is no bus



facilities. Therefore, it is very difficult for him to appear before the Sub Court, Srivilliputhur and prayed for dismissal of the Transfer Civil Miscellaneous petition.

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 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 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 H.M.O.P.No.80 of 2015 on the file of the Sub Court, Uthamapalayam is hereby withdrawn and transferred to the file of the Sub Court, Srivilliputhur. The learned Subordinate Judge, Uthamapalayam is directed to send the case bundles in H.M.O.P.No.80 of 2015 to the Sub Court, Srivilliputhur. No costs. Consequently, M.P. is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Court, Uthamapalayam.
2. The Sub Court, Srivilliputhur.

+1CC to Mr.R.Narayanan, Advocate Sr.No.16119

+1CC to Mr.K.Guhan Advocate Sr.No.16386

CSL/SKS/RR/1.4.16-2p-5C

Tr.C.M.P. (MD) No.302 of 2015
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