



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.322 of 2015
and
M.P. (MD) .No.1 of 2015

Mrs.S.Naga Revathi

... Petitioner/Respondent

Vs.

M.Muthukumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, Rule 1(2) of C.P.C., to withdraw the case in H.M.O.P.No.137 of 2015 on the file of the Sub-Court, Ponneri, Thiruvallur District and transfer the same from the Sub-Court, Ponneri, Thiruvallur District to the Family Court, Dindigul District.

For Petitioner :MR.M.Sheik Abdullah
For Respondent :Mr.C.K.M.Appaji

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.137 of 2015 on the file of the Sub-Court, Ponneri, Thiruvallur District and transfer the same from the Sub-Court, Ponneri, Thiruvallur District to the Family Court, Dindigul District.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.01.2015 as per Hindu rites and customs. Due to dispute arose between the petitioner and the respondent, the petitioner left the matrimonial home and residing with her parents at Batlagundu. Whiles, the respondent filed H.M.O.P.No.137 of 2015 before the Sub-Court, Ponneri for dissolving of marriage.

3.According to the petitioner, she is residing at Batlagundu with her parents. She is not having any independent income and she is depending on her parents for her day to day expenses, including the travelling expenses. The distance between Dindigul and Thiruvallur District is more than 550 kms and it is very difficult for her to attend each and every hearing. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4.The learned counsel for the petitioner submitted that the petitioner's father is a coolie worker and it is very difficult for her to travel from Batlagundu to Ponneri for each and every hearing.



5.I have heard Mr.R.Manoharan, learned counsel appearing for the petitioner and carefully perused the entire materials on record. Though notice was served on the respondent and also his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

WEB COPY

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 ordered and H.M.O.P.No.137 of 2015 pending on the file of the Subordinate Court, Ponneri, Thiruvallur District is ordered to be withdrawn and transferred to the file of the Family Court, Dindigul. The learned Subordinate Judge, Ponneri, Thiruvallur District, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.137 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(P&A)

/True Copy/

Sub Assistant Registrar.

To

1.The Subordinate Judge, Ponneri, Thiruvallur District.

2.The Judge, Family Court, Dindigul.

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

+1CC to M/S. M.Sheik Abdullah, Advocate, SR.No. 15173

+1CC to M/S. C.K.M. Appaji, Advocate, SR.No.15232

Tr.C.M.P (MD) No.322 of 2015
and

M.P. (MD) .No.1 of 2015
17.03.2016

AM/AN.MP/SAR-I/29.03.2016/2P/6C