



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.325 of 2015

and

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

N.Akila

... Petitioner/Respondent
Vs.

K.Ranjit Kumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.101 of 2015 on the file of the Sub-Court, Palani and transfer the same to the Principal Subordinate Judge/Family Court, Trichy.

For Petitioner	:Mr.N.Sudhagar Nagaraj
For Respondent	:Mr.R.T.Arivukumar

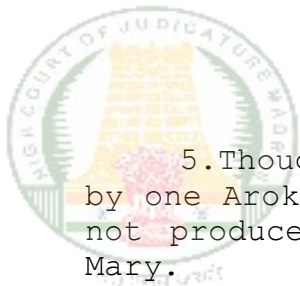
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.101 of 2015 on the file of the Sub-Court, Palani and transfer the same to the Principal Subordinate Judge/Family Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.11.2013 as per Hindu Rites and Customs. Due to dispute arose between the petitioner, both are living separately. The petitioner is residing with her father at Trichy. The mother of the petitioner died on 17.01.2014. Whiles, the respondent filed H.M.O.P.No.101 of 2015 before the Subordinate Court, Palani, for restitution of conjugal rights with false allegation.

3.According to the petitioner, she is residing at Trichy along with her old age father and she is not having any independent income and she is depending upon her father for her day to day expenses, including travelling expenses. The distance between Trichy and Palani is more than 140 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 respondent filed counter affidavit making various allegations against the petitioner. As far as the transfer is concerned, the main contention is that on 12.06.2015 one Arokiya Mary, who is the President of Women Wings (Communist) threatened him, when the respondent attended the Court proceedings and therefore, he prayed for dismissal of Tr.C.M.P.



5. Though the respondent has made an allegation that he was threatened by one Arokiya May, who is the President of Women Wings (Communist) he has not produced any proof to show that he was threatened by said Arokiya Mary.

6. I have heard Mr. G. Gomathi Sankar, learned counsel appearing for the petitioner and Mr. C. Thangamani, learned counsel appearing for the respondent and carefully perused the entire materials on record.

7. 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 ordered.

8. Accordingly, the Transfer Civil Miscellaneous Petition is ordered and the H.M.O.P.No.101 of 2015 pending on the file of the Sub-Court, Palani is ordered to be withdrawn and transferred to the file of the learned Principal Subordinate Judge/Family Court, Trichy. The learned Subordinate Judge, Palani is directed to transmit the entire records pertaining to the case in H.M.O.P.No.101 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 (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Palani.

2. The Principal Subordinate Judge/
Family Court,
Trichy.

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

+1cc to M/s. N. Sudhagar Nagaraj, Advocate in SR.No.15418

NS

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