



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.329 of 2015

and

M.P.(MD).No.1 of 2010

Ponmani

... Petitioner

Vs.

Pethanasamy @ Karthick Rajan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.461 of 2014 from the file of the III Sub Court, Madurai, Usilampatti Camp and transfer the same to the Sub Court, Srivilliputhur.

For Petitioner

:Mr.G.Marimuthu

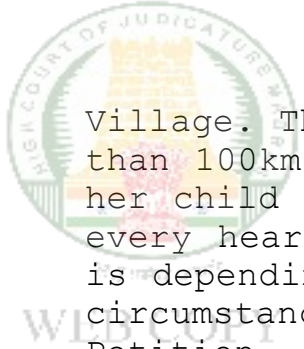
For Respondent

:No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.461 of 2014 from the file of the III Sub Court, Madurai, Usilampatti Camp to the file of the 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 07.11.2013, as per Hindu Rites and Customs. After the marriage, both were living in the matrimonial home at Usilampatti in a joint family. Due to ill advise of the respondent's parents, the respondent demanding additional dowry and also thrown out the petitioner from the matrimonial home. He also filed a petition in H.M.O.P.No.461 of 2014 on the file of the III Sub-Court, Madurai, Usilampatti Camp for divorce. Thereafter, the petitioner gave a complaint before All Women Police Station, Usilampatti to take action against the respondent and his parents and the same was registered in Crime No.22 of 2015 for offence under Sections 294(b), 498(A) and 506(i) of I.P.C., and Section 4 of Dowry Prohibition Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. The respondent and his parents filed Crl.O.P.No.7598 of 2015 for anticipatory bail before this Court. As per the order of this Court, the respondent handed over the services, courts, goods and other household articles to the petitioner. Whiles, a male child was born on 24.12.2014. After separation, the petitioner is residing with her parents at Thalavaipuram



Village. The distance from her village to Usilampatti town is more than 100kms and it is very difficult for her to travel along with her child and there is no one to accompany her to attend each and every hearing. She is not having any independent income and she is depending on her parents for day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition.

3. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

4. 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 petitioner filed by the wife is liable to be allowed.

5. Accordingly, the Transfer CMP is allowed and the HMOP No.461 of 2014 pending on the file of the III Sub Court, Madurai-Usilampatti Camp, is ordered to be withdrawn and transferred to the file of the Sub Court, Srivilliputhur. The learned III Subordinate Judge, Madurai-Usilampatti Camp is directed to transmit the entire records pertaining to the case in HMOP No.461 of 2014 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 (Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1. The III Sub-Court,
Madurai-Usilampatti Camp.
 2. The Subordinate Court, Srivilliputhur.
 3. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai
- +One cc to Mr. G. Marimuthu, Advocate, SR.No.8218
Ns
RL/5C/GSV/AN/23/2/2016

Tr.C.M.P (MD) No.329 of 2015
and
M.P. (MD) .No.1 of 2010
11.02.2016