



9BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2016

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.352 of 2015
and
M.P.(MD) .No.1 of 2015

K.Thamarai Selvi ... Petitioner/Respondent.

Vs.

M.Rajendran ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.46 of 2014 on the file of the Principal Sub Court, Chidambaram and transfer the same to the Sub Court, Kumbakonam District.

For Petitioner :Mr.G.Gomathisankar
For Respondent :Mr.P.Seshubalan Raja

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.46 of 2014 on the file of the Principal Sub Court, Chidambaram and transfer the same to the Sub Court, Kumbakonam 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 13.11.2011 as per Hindu Rites and Customs. One male child was born on 17.09.2012 in the wedlock. After the marriage, both were residing together at Chidambaram. Due to dispute arose between them, both are living separately. The respondent is working as a computer programmer in the Annamalai University and earning Rs.50,000/- per month. The respondent filed H.M.O.P.No.46 of 2014 before the Sub-Court, Chidambaram for divorce.

3.According to the petitioner, she is residing with her parents at Kumbakonam along with minor child. 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 Kumbakonam and Chidambaram is more than 100 kms and it is very difficult for her to attend each and every hearing along with her child. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4.The learned counsel appearing for the respondent submitted that the respondent is working as a computer programmer in Annamalai University and it will be very difficult for him to appear before the Sub-Court, Kumbakonam for attending the Court proceedings.



5.I have heard Mr.G.Gomathisankar, learned counsel appearing for the petitioner and Mr.P.Seshubalan Raja, learned counsel appearing for the respondent and carefully perused the entire materials on record.

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 ordered.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.46 of 2014 pending on the file of the Principal Sub Court, Chidambaram is ordered to be withdrawn and transferred to the file of the Sub-Court, Kumbakonam. The learned Principal Sub Judge, Chidambaram is directed to transmit the entire records pertaining to the case in H.M.O.P.No.46 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

/True Copy/

Sub Assistant Registrar.

To

1.The Principal Subordinate Judge,
Chidambaram.

2.The Subordinate Judge,
Kumbakonam.

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

+1CC to M/S.G.Gomathi Sankar, Advocate, SR.No. 20888

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