



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

K.Dhanalakshmi

... Petitioner

Vs.

M.Karthick

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code, to withdraw H.M.O.P.No.106 of 2015 on the file of the Principal Sub Court, Dindigul and transfer the same to any other competent Court at Madurai.

For Petitioner	:Mr.V.Balaji
For Respondent	:No appearance

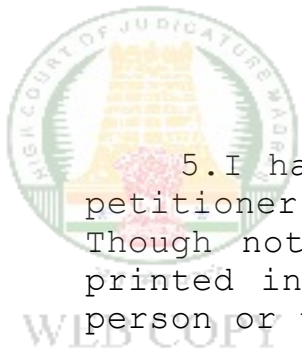
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.106 of 2015 from the file of the Principal Sub Court, Dindigul and transfer the same to any other competent Court at Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.05.2002. One female child was born in the wedlock on 23.05.2014. Due to dispute arose between the petitioner and the respondent, the petitioner left the matrimonial home and residing separately at Madurai along with her child. Whiles, the respondent filed H.M.O.P.No.106 of 2015 before the Principal Sub Court, Dindigul, for divorce.

3.According to the petitioner, she is working in a private concern and she is getting very meagre income and it is very difficult for her to maintain herself and her minor child with that income. The distance between Madurai and Dindigul is more than 60 kms and it is very difficult for her to attend each and every hearing along with her minor child. 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 since the respondent as a medical agent working in several companies at Madurai, there is no difficulty for him to attend the hearing before the I Additional Sub-Court, Madurai, if the case is transferred.



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

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 ordered and the H.M.O.P.No.106 of 2015 pending on the file of the Principal Sub Court, Dindigul is ordered to be withdrawn and transferred to the file of the I Additional Sub-Court, Madurai. The learned Principal Sub-Court, Dindigul is directed to transmit the entire records pertaining to the case in H.M.O.P.No.106 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

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
Dindigul.
- 2.The I Additional Subordinate Judge,
Madurai.

+1cc to Mr.V.Balaji, Advocate SR.No.15462

CN/SKN-SK/AR1/30.03.2016/2P-4C

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