



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

**THE HONOURABLE MS. JUSTICE V.M.VELUMANI**

WEB COPY

Tr.C.M.P(MD)No.374 of 2015 and  
M.P(MD)No.1 of 2015

K. Booma @ Nithya ... Petitioner/Respondent  
Vs.

V. Ramesh @ Sountharrajan ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP.No.64 of 2015 from the file of the Sub Court, Thanjavur, to Sub Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr.R. Pandi Maharaja  
For Respondent : Mr.V. Chandrasekar

**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.64 of 2015 from the file of the Sub Court, Thanjavur, to Sub Court, Sivakasi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 31.08.2016 as per Hindu Rites and customs. After marriage both were living together in matrimonial home as joint family. Due to the work of the respondent, subsequently, they were living together in Thanjavur as separate family, for few years. Two female children were born in the wedlock. After the birth of the child, the respondent and his family members tortured the petitioner, by demanding dowry to start own business by the respondent and caused cruelty against the petitioner. The petitioner left the matrimonial home. While so the respondent filed HMOP.No.64 of 2015 on the file of the Sub Court, Thanjavur, for divorce.

3. Now, the petitioner is staying with her age old parents at Sattur. The distance between Sattur and Thanjuvar is about 200 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.64 of 2015, before the Sub Court, Thanjavur. Further, the petitioner is not having any independent income and she is only depending on her parents for her day-to-day expenses, including the travel expenses.

4. In such circumstances, the petitioner has filed this petition to transfer the aforesaid HMOP No.64 of 2015, filed by the respondent, from the Sub Court, Thanjavur, to Sub Court,



Sivakasi, Virudhunagar District.

5. The learned counsel appearing for the respondent submitted that the petitioner left the matrimonial home on her own volition, leaving children with the respondent. He further submitted that it is very difficult for the respondent to travel from Thanjavur to Sivakasi along with two minor children and hence, he prays for early disposal of the HMOP.

6. Heard the learned counsel appearing on either side and perused the materials available 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 allowed.

8. Accordingly, the Transfer CMP is allowed and the HMOP No.64 of 2015 pending on the file of the Sub Court, Thanjavur, is ordered to be withdrawn and transferred to the file of the Sub Court, Sivakasi, Virudhunagar District. The learned Subordinate Judge, Thanjavur, is directed to transmit the entire records pertaining to the case in HMOP No.64 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. On receipt of the same, the learned Subordinate Judge, Sivakasi, Virudhunagar District, is directed to dispose the above said HMOP, as expeditiously as possible, in any event not later than 30.06.2016. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Court, Thanjavur.

2. The Sub Court, Sivakasi, Virudhunagar District.

Copy To:

The Section Officer, V.R Section,

Madurai Bench of Madras High Court, Madurai

+1cc to Mr.R.Mohamed Rajapdeen, Advocate Sr.No.9552

trp

AA/NGM-SS/03.03.2016/2p-5c

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