



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2016

CORAM:

WEB COPY

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.386 of 2015
and M.P(MD)No.1 of 2015

M.Lalitha Sri

... Petitioner

Vs.

M.Sasikumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer the case in H.M.O.P.No.582 of 2015 on the file of the Additional Family Court, Coimbatore to the file of the Subordinate Judge, Uthamapalayam.

For Petitioner : Mr.G.Vanjinathan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.582 of 2015 on the file of the Additional Family Court, Coimbatore to the file of the Subordinate Judge, Uthamapalayam.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.02.2014. Due to dispute, the petitioner left the matrimonial home and gave a complaint on 27.04.2015 before the Inspector of Police, All Women Police Station, Uthamapalayam. While so, the respondent / husband filed a petition in H.M.O.P.No.582 of 2015 before the Additional Family Court, Coimbatore, for divorce. The petitioner is now residing with her parents at Theni. The distance between Theni and Coimbatore is about 270 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case in H.M.O.P.No.582 of 2015. The petitioner is depending on her parents for her day to day expenses, including the traveling expenses. She has also stated that it will not be difficult for the respondent / husband to attend the hearing at Subordinate Judge, Uthamapalayam. Therefore, she has come out with the present petition for transfer.

<https://hcservices.coimbatore.nic.in/> Notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.



4.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference as held by the Hon'ble Supreme Court in the judgments reported in **2008(9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)** and **AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another)**. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

5.Considering the facts and circumstances, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.582 of 2015 on the file of the Additional Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Subordinate Court, Uthamapalayam, if the same is not yet disposed of. The learned Additional Family Court Judge, Coimbatore is directed to send the case bundles in H.M.O.P.No.582 of 2015 to the Subordinate Court, Uthamapalayam immediately. The Registry is directed to send back the papers that are pending before Registry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judge, Additional Family Court, Coimbatore.
- 2.The Subordinate Judge, Uthamapalayam.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.G.VANCHINATHAN, ADVOCATE IN SR No. 22337

NBJ

TE/NGM/ : 01/06/2016 : 2P/5C

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