



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

WEB COPY

TR.C.M.P.(MD) No.399 of 2015 and M.P(MD).No.1 of 2015

D. Hemalatha : Petitioner/Respondent
Vs.

R. Madhavan : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.67 of 2015 from the file of Sub Court, Paramakudi, Ramanathapuram District and transfer the same to the file of Sub-Court, Valliyur, Thirunelveli District to be tried along with HMOP.No.89 of 2015.

For Petitioner : Mr.P. Ganapathi Subramanian

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.67 of 2015 on the file of Sub Court, Paramakudi, Ramanathapuram District and transfer the same to the file of Sub-Court, Valliyur, Thirunelveli, District to be tried along with HMOP.No.89 of 2015.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.02.2014, as per Hindu Rites and Customs. At the time of marriage, the respondent was working as a Teacher at Panchayat Union Middle School at Keelamunthal, Ramanathapuram District. Both were living separately at Soilkudi, Ramanathapuram District. Subsequently, for delivery the petitioner left to her parents house on 02.11.2014. A male child was born on 14.01.2015. Due to the mis-understanding between the petitioner and respondent, now, the petitioner is residing with her parents house at Thisaiyanvilai, Radhapuram Taluk, Thirunelveli District. The petitioner has given a complaint before the Inspector of Police, All Women Police Station, Vallioor and the same has been registered in Crime No.14 of 2015. While so, the respondent filed HMOP.No.67 of 2015 on the file of Sub Court, Paramakudi, Ramanathapuram District, for divorce. Subsequently, the petitioner filed HMOP.No.89 of 2015, before the Sub Court, Valliur, Thirunelveli District, for restitution of conjugal rights.

<https://hcservices.ecourts.gov.in/hcservices/>

3. According to the petitioner, she is residing at Thisaiyanvilai, Radhapuram Taluk, Thirunelveli District with her



parents along with minor child. The distance between Thisaiyanvilai and Paramakudi is more than 300 Kilometers and it is very difficult for the petitioner to travel such a long distance to attend HMOP.No.67 of 2015, before the Sub Court, Paramakudi. The petitioner is only depending on her parents for day to day expenses including travel expenses. In such circumstances, the petitioner filed this petition to withdraw the case in HMOP.No.67 of 2015 from the file of Sub Court, Paramakudi, Ramanathapuram District and transfer the same to the file of Sub-Court, Valliyur, Thirunelveli District to be tried along with HMOP.No.89 of 2015.

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

5. 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.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.67 of 2015 pending on the file of Sub Court, Paramakudi, Ramanathapuram District, is hereby withdrawn and transferred to the file of Sub Court, Valliyur at Thirunelveli District, to be tried along with H.M.O.P.No.89 of 2015 filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Paramakudi, Ramanathapuram District, is directed to send the case bundles to the Sub Court, Valliyur at Thirunelveli District, immediately. 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

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Paramakudi, Ramanathapuram District
2. The Subordinate Judge, Valliyur, Thirunelveli District.

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No.21643

Copy To:

The Section Officer, V.R Section,

Madurai Bench of Madras High Court, Madurai

trp

AA/SKS-RR/28.04.2016/2p-5c

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