

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.03.2016****CORAM:****THE HONOURABLE MS. JUSTICE V.M.VELUMANI****Tr.C.M.P(MD)No.402 of 2015
and C.M.P(MD)No.1 of 2015**

M.Kalyani

... Petitioner

Vs.

Muthukaruppan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.45 of 2015 on the file of the Principal Sub Court, Chengalpattu, Kancheepuram District and transfer to the Principal Sub Court, Trichy for disposal of the same on merits and in accordance with law.

For Petitioner	: Mr.RM.Arun Swaminathan
For Respondent	: Mr.R.Venkateswaran

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.45 of 2015 on the file of the Principal Sub Court, Chengalpattu, Kancheepuram District and transfer the same to the Principal Sub Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 12.06.2013 and there is no issues for them. Due to some dispute, both the husband and wife were living separately. The petitioner filed a petition in H.M.O.P.No.45 of 2015, for restitution of conjugal rights before the Principal Sub Court, Trichirapalli and the same was allowed on 07.07.2015. Thereafter, due to some torture at the hands of the respondent and his mother, the petitioner filed a complaint before All Women Police Station, Karaikudi and based on which, a case in Crime No.20 of 2014 has been registered against the respondent. Whiles, the respondent filed a petition in H.M.O.P.No.45 of 2015 before the Principal Sub Court, Chengalpattu. As the parents of the petitioner died, she is living with her brother at Trichy. She has stated that the respondent / husband may threaten and harass her, while she was attending the court hearings and it is also very



difficult for her to travel each and every hearing to attend the case in H.M.O.P.No.45 of 2015 on the file of the Principal Sub Court, Trichy. The petitioner is depending on her brother for day to day expenses including travel expenses. Therefore, she has come out with the present petition for transfer.

3.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 petitions filed by the wife is liable to be allowed.

4.Considering the facts and circumstances of the case and the submission of the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is ordered and H.M.O.P.No.45 of 2015 on the file of the Principal Sub Court, Chengalpattu is hereby withdrawn and transferred to the file of the Principal Sub Court, Trichy. The learned Principal Sub Judge, Chengalpattu, is directed to send the case bundles in H.M.O.P.No.45 of 2015 to the Principal Sub Court, Trichy. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Subordinate Judge, Chengalpattu.
- 2.The Principal Subordinate Judge, Trichy.

+1cc to M/s.RM.Arun Swaminathan, Advocate SR.No.11738
+1cc to Mr.R.Venkateswaran, Advocate SR.No.11928