



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2016

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.(MD)No.408 of 2015

and

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

Vijayalakshmi, W/o.Poolpandian ... Petitioner
Vs.

Poolpandian, S/o.Muthiah Thevar ... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer H.M.O.P.No.40 of 2015 pending on the file of the Subordinate Court, Sankarankovil, to file of the Subordinate Court, Kovilpatti.

For Petitioner : Mr.D.Srinivasa Ragavan

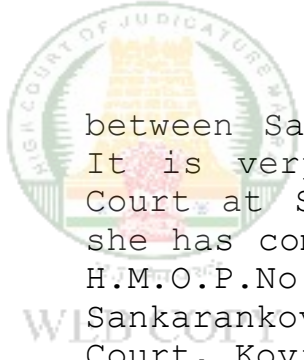
For Respondent : Mr.F.X.Eugene

ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer H.M.O.P.No.40 of 2015 from file of the Subordinate Court, Sankarankovil, to file of the Subordinate Court, Kovilpatti.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.06.1999 as per Hindu Rites and Customs. Due to misunderstanding between them, the respondent driven out the petitioner from the matrimonial home on 20.02.2002. While so, the respondent filed H.M.O.P.No.62 of 2007 before the Subordinate Court, Sankarankovil, for restitution of conjugal rights and by order dated 11.07.2008, the said H.M.O.P. was allowed. Even after the said order, the respondent did not take the petitioner to the matrimonial home. According to the petitioner, the respondent married one Ramalakshmi on 26.04.2015. In order to threaten the petitioner, the respondent filed H.M.O.P.No.40 of 2015, before the Subordinate Court, Sankarankovil, for divorce.

3. According to the petitioner, she is residing at Kovilpatti and there is no safety for her to attend the hearing before the Subordinate Court, Sankarankovil. She is not having any independent income and depending on her parents for her day-to-day expenses including the travelling expenses. The distance



between Sankarankovil and Kovilpatti is more than 40 Kilometers. It is very difficult for her to appear before the Subordinate Court at Sankarankovil, for each and every hearing. Therefore, she has come out with the present petition to withdraw the case in H.M.O.P.No.40 of 2015 from file of the Subordinate Court, Sankarankovil, and transfer the same to file of the Subordinate Court, Kovilpatti.

4. I have heard the learned counsel appearing for the parties.

5. It is well settled law that whenever, the transfer application 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 ordered and H.M.O.P.No.40 of 2015 on the file of the Subordinate Court, Sankarankovil, is hereby withdrawn, if the same is not yet disposed of and transferred to the file of the Subordinate Court at Kovilpatti. The learned Subordinate Judge, Sankarankovil, is directed to send the case bundles to the Subordinate Court, Kovilpatti, 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(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge, Sankarankovil.

2.The Subordinate Judge, Kovilpatti.

Copy to:-

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

+One cc to Mr.D.Srinivasa Raghavan, Advocate, SR.No.17690

+One cc to Mr.F.X.Eugene, Advocate, SR.No.17525

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