



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.428 of 2015 and

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

L. Sethuraman

...Petitioner

Vs.

G. Maithili

...Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and Transfer HMOP.No.90 of 2015, on the file of the Family Court, Erode to the file of the competent Court, Tirunelveli and consequently direct the transferee court to deal with the case in accordance with law.

For Petitioner

: Mr. M. Pitchai Muthu

For Respondent

: Mr. C.Muthu Saravanan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and Transfer the case in HMOP.No.90 of 2015, from the file of the Family Court, Erode to the file of the competent Court, Thirunelveli.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 18.06.2009, as per Hindu Rites and Customs. After marriage, both were living together in matrimonial home at Dubai, where the petitioner was working. The respondent started quarrelling with the petitioner and his family members on flimsy reasons in the year 2011. Both the petitioner and the respondent came to India and subsequently, the respondent refused to come to Dubai and started living with her parents. While so, she filed HMOP.No.90 of 2015, on the file of the Family Court, Erode, for divorce, making false allegations.

3. In such circumstances, the petitioner has filed the present petition to transfer HMOP.No.90 of 2015, from the file of the Family Court, Erode to the file of any of the Court in Thirunelveli, on the ground that there is a life threat to the petitioner in the hands of the respondent and her family members at Erode,

4. The learned counsel appearing for the respondent submitted that the petitioner appeared before the Family Court, Erode, when the HMOP was taken up for hearing and there was no life threat to him and his family members. He further submitted that, only for the purpose of filing Transfer CMP, the petitioner has given false allegations. The respondent is residing at Erode and it will be very difficult for her to travel to any Court in Thirunelveli District and it will not be difficult for the petitioner to attend the hearing in the Family Court at Erode.



5. The learned counsel appearing for the petitioner submitted that the petitioner never appeared before the Family Court at Erode and there is a life threat to him in the hands of the respondent and her family members is true.

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6. Heard the learned counsel appearing for both parties.

7. There is nothing on record to show that respondent or her family members threatened the petitioner and there is a life threat to the petitioner. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference.

8. In such circumstances, there is no merits in this Transfer CMP. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Judge, Family Court, Erode.

+1cc to M/s.C.Muthu Saravanan, Advocate in SR.9615

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and
M.P(MD).No.1 of 2015
18.02.2016

trp
PBK/GSV-PM 09/03/2016 ::2P-3C::