



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**TR.C.M.P(MD)No.441 of 2015
and M.P(MD)No.1 of 2015**

Raja Rajeswari

.. Petitioner/Petitioner

Vs.

S.Balaji

.. Respondent/Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the petition in H.M.O.P.No.212 of 2015 on the file of the Subordinate Court, Ponneri, Thiruvalluvar District, and transfer the same to the Court of Subordinate Court, Paramakudi, Ramnad District.

For Petitioner

: Mr.E.V.N.Siva

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.212 of 2015, on the file of the Subordinate Court, Ponneri, Thiruvalluvar District and transfer the same to the Subordinate Court, Paramakudi, Ramnad District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.07.2011. In the wedlock, one female child was born. At the time of filing the Transfer Civil Miscellaneous Petition, she was 9 months pregnant and after that she delivered a male baby. Due to demand of dowry and torture by the respondent and his family members, she lodged a complaint before the Inspector of Police, Paramakudi. Immediately, the respondent filed H.M.O.P.No.212 of 2015, before the Sub Court, Ponneri, Thiruvallur District for dissolution of marriage and custody of the minor child.

3.The petitioner is residing at Paramakudi with her parents. She is not able to travel from Paramakudi to Thiruvallur, for more than 500 kms for each and every hearing along with her child. She is not having any independent income and she is depending on her parents for her day to day expenses including travel expenses.

4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.212 of 2015 filed by the respondent/Husband before the Sub Court, Ponneri, Thiruvallur District, to the file of the Sub Court, Paramakudi.

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



6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.212 of 2015 on the file of the Sub Court, Ponneri, Thiruvallur District, is hereby withdrawn and transferred to the file of the Sub Court, Paramakudi. The learned Subordinate Judge, Ponneri, is directed to send the case bundles to the Sub Court, Paramakudi, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Ponneri, Thiruvalluvar District.

2.The Subordinate Judge,
Paramakudi, Ramnad District.

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

+lcc to Mr.E.V.N.Siva, Advocate Sr.No.10917

akm/08.03.2016/2p-5c/GSV/PM/SAR-I

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and MP (MD) No.1 of 2015
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