



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.443 of 2015 and
M.P(MD)No.1 of 2015

Madhu Priya ... Petitioner
Vs.
M. Kumaresan ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.60 of 2015 from the file of the Family Court, Dindigul to Sub Court, Sathiyamangalam.

For Petitioner : Mr.N. Sudhagar Nagaraj
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.60 of 2015 from the file of the Family Court, Dindigul to Sub Court, Sathiyamangalam.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.09.2013. After marriage both were living together in the matrimonial home. Due to the dispute both are living separately. The petitioner was sent out from the matrimonial home, by the respondent and his family members. The respondent filed HMOP.No.60 of 2015 on the file of the Family Court, Dindigul, for divorce, on false allegations.

3. Now, the petitioner is staying along with her age old parents at Rengasamuthiram village at Sathiyamangalam Taluk. The distance between Dindigul and Sathiyamangalam is about 200 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.60 of 2015, before the Family Court, Dindigul. Further, The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner has filed this petition to transfer the aforesaid HMOP No.60 of 2015, filed by the respondent, from the Family Court, Dindigul to Sub Court, Sathiyamangalam,



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

6. 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.

7. Accordingly, the Transfer CMP is allowed and the HMOP No.60 of 2015 pending on the file of the Family Court, Dindigul, is ordered to be withdrawn and transferred to the file of the Sub-Court, Sathiyamangalam. The learned Judge, Family Court, Dindigul, is directed to transmit the entire records pertaining to the case in HMOP No.60 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. 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 (C.O.) (I/C)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Dindigul
- 2.The Subordinate Judge, Sathiyamangalam.

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

+1cc to M/s.N.Sudhagar Nagaraj, Advocate Sr.No.9172

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