



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :13.04.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.444 of 2015
and
M.P(MD)No.1 of 2015

Chandra .. Petitioner/Respondent/Wife

Vs.

R.Satheeshkumar .. Respondent/Petitioner/Husband

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the learned Subordinate Judge, Devakottai, Sivagangai District in HMOP No.129 of 2015 and transfer the same to the learned Principal Subordinate Judge, Kumbakonam.

For Petitioner : Mr.S.Rajaprabu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.129 of 2015, on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to the file of Principal Sub Court, Kumbakonam.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.07.2013. After the marriage, the respondent and his family members tortured the petitioner by demanding more dowry and thrown her out from the matrimonial home. Thereafter, the respondent filed HMOP No.129 of 2015 before the Sub Court, Devakottai, for divorce.

3.According to the petitioner, she is residing with her parents at Kumbakonam and she is not having any independent income and she is depending on her parents for her day-to-day expenses including travelling expenses. The distance between the Kumbakonam and Devakottai is more than 250 kms. She finds it very difficult to travel from Kumbakonam to Devakottai. The petitioner is also facing severe threat from the respondent and his family members. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Kumbakonam and the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.129 of 2015 filed by the



respondent/Husband before the Sub Court, Devakottai to the file of the Principal Sub Court, Kumbakonam.

4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

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, 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.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.129 of 2015 on the file of the Sub Court, Devakottai, is hereby withdrawn and transferred to the file of the Principal Sub Court, Kumbakonam, if the same is not yet disposed of. The learned Sub Judge, Devakottai, is directed to send the case bundles to the Principal Sub Court, Kumbakonam, 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,
Devakottai, Sivagangai District.
2. The Principal Subordinate Judge,
Kumbakonam.

Copy To:-

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.RAJAPRABHU, ADVOCATE IN SR NO.20672

AM

TE/AN-MP/ : 03/05/2016 : 2P/5C

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