



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.454 of 2015

and

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

T.Gomathi

... Petitioner/Defendant
Vs.

Maheswaran

... Respondent/Plaintiff

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.157 of 2014 pending on the file of the Principal District Munsif Court, Thirupathur and transfer the same to the Special Mahila Court, Judicial Magistrate Level, Trichy in M.C.No.134 of 2015.

For Petitioner
For Respondent

:Mr.K.Sureshkumar
:No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.157 of 2014 pending on the file of the Principal District Munsif Court, Thirupathur and transfer the same to the Special Mahila Court, Judicial Magistrate Level, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.11.2007. One female child was born in the wedlock. After the marriage, the respondent tortured the petitioner. Due to torture, the petitioner left the matrimonial home and residing with her parents. Whiles, the respondent filed a suit in O.S.No.157 of 2014 before the Principal District Munsif Court, Thirupathur, for declaration to declare the marriage between them as null and void.

3.According to the petitioner, she is residing at her parents house 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 the travelling expenses. The distance between Trichy and Thirupathur is more than 140 kms and it is very difficult for her to travel such a long distance along with her children. In the present circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.



4.I have heard Mr.K.Sureshkumar, learned counsel appearing for the petitioner and carefully perused the entire materials on record. There is no representation on behalf of the respondent.

5.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 ordered.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered and the suit in O.S.No.157 of 2014 pending on the file of the learned Principal District Munsif, Thirupathur is ordered to be withdrawn and transferred to the file of the learned Judge, Special Mahila Court, Judicial Magistrate Level, Trichy . The learned Principal District Munsif, Thirupathur, is directed to transmit the entire records pertaining to the suit in O.S.No.157 of 2014 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, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal District Munsif, Thirupathur.

2.The Judge, Special Mahila Court,
Judicial Magistrate Level, Trichy

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

+One cc to Mr.V.Karuna, Advocate, SR.No.14049

+One cc to mr.K.Sureshkumar , Advocate, SR.No. 13838

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