



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2016

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.478 of 2015

and

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

Pushpavalli

... Petitioner/Respondent

Vs.

Anand

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.681 of 2015 from the file of the District Judge, Family Court, Madurai and to transfer the same to the Sub-Court, Paramakudi or the District Judge, Family Court, Ramanathapuram.

For Petitioner

:Mr.R.Murugan

For Respondent

:No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.681 of 2015 from the file of the District Judge, Family Court, Madurai and to transfer the same to the Sub-Court, Paramakudi or the District Judge, Family Court, Ramanathapuram.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.05.2012 as per Hindu Rites and Customs. After the marriage, the respondent tortured the petitioner demanding more dowry. Therefore, she has given a complaint before the Inspector of Police, All Women Police Station, Kamuthi, Ramanathapuram District. On the basis of the complaint, case has been registered in Crime No.23 of 2015 for offence under Sections 498-A of I.P.C., against the respondent and his family members. While so, the respondent filed H.M.O.P.No.681 of 2015 before the Family Court, Madurai for divorce.

3.According to the petitioner, she is residing with her parents at Kattanenthal Village, Melakodumalur Post, Mudukulathur Taluk. 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 Mudukulathur and



Madurai is more than 150 kms and it is very difficult for her to attend each and every hearing. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

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4.I have heard Mr.R.Murugan, learned counsel appearing for the petitioner and though notice was served on the respondent and his name is also printed in the cause list, he has not chosen to appear either in person or through counsel and carefully perused the entire materials on record.

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 allowed and the H.M.O.P.No.681 of 2015 pending on the file of the Family Court, Madurai is ordered to be withdrawn and transferred to the file of the Sub-Court, Ramanathapuram. The learned Judge Family Court, Madurai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.681 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, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

1.The Judge, Family Court, Madurai.

2.The Subordinate Judge, Ramanathapuram.

Copy To:

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

+1cc to Mr.R.Murugan, Advocate Sr.No.20932

ns

AA/SKS-RR/28.04.2016/2p-5c

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