



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P (MD) No.479 of 2015

and

M.P (MD) No.1 of 2015

Jamunarani

.. Petitioner/Respondent

Vs.

Karuppasamy

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.108 of 2015 on the file of the Sub-Court, Udumalaipettai and transfer to the Sub-Court, Dindigul.

For Petitioner : Mr.M.Kowsick

For Respondent : Mr.K.Mu.Muthu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.108 of 2015, on the file of the Sub-Court, Udumalaipettai and transfer the same to the file of Sub-Court, Dindigul.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.08.2010. After the marriage, both were residing together in the matrimonial home at Kancheepuram. In the wedlock, two male children were born. In February, 2015 the respondent started quarrelling with the petitioner and demanded more dowry. With great difficulty, the father of the petitioner, paid a sum of Rs.85,000/- to the respondent. Not being satisfied with that amount, again, the respondent demanded a sum of Rs.1,00,000/- from the petitioner as dowry. Due to dispute, the respondent thrown out the petitioner from the matrimonial home and now, she is residing with her parents. While so, the respondent filed H.M.O.P.No.108 of 2015 before the Sub Court, Udumalaipettai, for Restitution of Conjugal Rights.

3.Now, the petitioner and her children are residing with her parents at N.Kovilpatty Village, Natham, Dindigul District. She is not having any independent income and she is depending on her parents for her day-to-day expenses including the travel expenses. The distance between the Natham and Udumalaipettai is more than 250 kms. She is finding it very difficult to travel such a long distance along with her children without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Dindigul.



4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.108 of 2015 filed by the respondent/Husband before the Sub Court, Udumalaipettai to the file of the Sub Court, Dindigul.

5.Heard the learned counsel appearing for the petitioner and the respondent. The learned counsel for the respondent has opposed for allowing the petition.

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.108 of 2015 on the file of the Sub Court, Udumalaipettai, is hereby withdrawn and transferred to the file of the Sub Court, Dindigul. The learned Sub Judge, Udumalaipettai, is directed to send the case bundles to the Sub Court, Dindigul, 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(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Udumalaipettai

2.The Subordinate Judge, Dindigul.

+2cc to M/s.M.Kowsick, Advocate SR.No.11502,11015

+1cc to M/s.K.Muthu, Advocate SR.No.11077

Copy to:The Section Officer, VR Section,
Madurai Bench of Madras High court, Madurai.

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TR.C.M.P (MD) No.479 of 2015