



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.487 of 2015

and

M.P(MD)No.1 of 2015

S.Dhaarani

.. Petitioner

Vs.

M.Balaganesh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the I.A.No.2024 of 2015 in H.M.O.P.Sr.No.11795 of 2015 on the file of the Family Court, Chennai and transfer the same to Family Court, Virudhunagar.

For Petitioner : Mr.R.Saravanan
For Respondent : Mr.R.Manickavel

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.A.No.2024 of 2015 in H.M.O.P.Sr.No.11795 of 2015, on the file of the Family Court, Chennai and transfer the same to the file of Family Court, Virudhunagar.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.05.2015 as per Hindu Rites and Customs. After the marriage, both were living together in the matrimonial home and the petitioner is 7 months pregnant. Due to dispute, both of them were living separately. While so, the respondent filed H.M.O.P.Sr.No.11795 of 2015 along with I.A.No.2024 of 2015 before the Family Court, Chennai, seeking for divorce, making false allegations.

3.According to the petitioner, she is residing at Virudhunagar. She is not having any independent income and she is depending on her parents for her day-to-day expenses and her father is very poor. The distance between the Virudhunagar and Chennai is more than 550 kms and the petitioner, being a lady, finds it very difficult to attend the hearing in the Court at Chennai without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Chennai. Therefore, she prayed for transfer I.A.No.2024 of 2015 in H.M.O.P.Sr.No.11795 of 2015, from the file of the Family Court, Chennai to the file of Family Court, Virudhunagar.

4.The learned counsel for the respondent submitted that the respondent is working as Technology Analyst in Infosys at Chennai and it is very difficult for him to attend the hearing at Family Court,



Virudhunagar and he is unable to avail leave to attend the Court and therefore, he prayed for dismissal of the Transfer Civil Miscellaneous Petition.

5. Heard both sides.

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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. Considering the facts and circumstances, this Transfer Civil Miscellaneous Petition is disposed of and I.A.No.2024 of 2015 in H.M.O.P.Sr.No.11795 of 2015, on the file of the Family Court, Chennai, is hereby withdrawn and transferred to the file of the Principal District and Sessions Court, Srivilliputhur, Virudhunagar District. The learned Judge Family Court, Chennai, is directed to send the case bundles to the Principal District and Sessions Court, Srivilliputhur, Virudhunagar District, 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 (W)

/True copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Chennai.
 2. The Principal District and Sessions Court, Srivilliputhur, Virudhunagar District.
 3. The Section Officer, V.R.Section, Madurai Bench of Madras High Court, Madurai
- +1 CC to Mr.R.Saravanan, Advocate, SR No.14430
+1 CC to Mr.R.MANICKAVEL, Advocate, SR No.14465

TR.C.M.P (MD) No.487 of 2015
15.03.2016

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SH/SK-SKN:28.03.2016:2P/6C