



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2016

CORAM :

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. (MD) No.132 of 2016

and

C.M.P. (MD) No.2197 of 2016

G.Indumathi

... Petitioner

Vs.

A.Raja

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the proceeding in H.M.O.P.No.217 of 2014 from file of the Subordinate Court, Srivilliputhur, to file of the Subordinate Court, Hosur.

For Petitioner : Mr.P.Pethu Rajesh

For Respondent : Mr.S.Krishnan

ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer the proceeding in H.M.O.P.No.217 of 2014 from file of the Subordinate Court, Srivilliputhur, to file of the Subordinate Court, Hosur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.09.2011 as per Hindu Rites and Customs. After the marriage, both the petitioner and the respondent were residing in the matrimonial home at Bangalore. The respondent demanded more dowry and harassed the petitioner. Due to that, disputes have arisen and the respondent assaulted the petitioner and therefore, the petitioner left the matrimonial home on 18.04.2013. At the advice of the elders and relatives, the respondent apologised for his unruly and violent behaviour and informed the elders that as he is seeking transfer of his job to Delhi, he would take the petitioner to Delhi and lead a peaceful life with the petitioner. On the said assurance only, the petitioner lived with him for six months at Delhi. Subsequently, on 10.03.2014, the respondent driven out the petitioner to her parents house and filed H.M.O.P.No.217 of 2014 against the petitioner before the Subordinate Court, Srivilliputhur, for divorce, making false allegations. The petitioner appeared in person before the court on 11.03.2015 and thereafter, attended 14 hearings. Now, the petitioner is residing at Hosur with the help of her relatives

with her parents. She filed M.C.No.8 of 2015 before the Judicial Magistrate Court No.II, Hosur, claiming maintenance.

3. According to the petitioner, the distance between Hosur and Srivilliputhur is more than 510 Kilometers. It is very difficult for her to appear before the Subordinate Court at Srivilliputhur, for each and every hearing. Therefore, she has come out with the present petition to withdraw the case in H.M.O.P.No.217 of 2014 from file of the Subordinate Court, Srivilliputhur, and transfer the same to file of the Subordinate Court, Hosur.

4. I have heard the learned counsel appearing for the parties.

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. 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 ordered and H.M.O.P.No.217 of 2014 on the file of the Subordinate Court, Srivilliputhur, is hereby withdrawn, if the same is not yet disposed of and transferred to the file of the Subordinate Court at Hosur. The learned Subordinate Judge, Srivilliputhur, is directed to send the case bundles to the Subordinate Court, Hosur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge,
Srivilliputhur.

2.The Subordinate Judge,
Hosur.

+One cc to Mr.P.Pethu Rajesh, Advocate, SR.No.17697

+One cc to Mr.S.Krishnan, Advocate, SR.No.17653

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

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RL/6c/2p/AN/MP/SARI/7/4/2016

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