



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP (MD) No.195 of 2016

and

C.M.P (MD) No.3482 of 2016

Smt.Aslin Shamema

... Petitioner/Wife

vs.

Sri.G.Sathyaprakash

... Respondent/Husband

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.17 of 2016 on the file of the III Additional District Judge, Trichy, and transfer it to the Family Court, Sivagangai.

For Petitioner : Mr.R.A.Mohanram

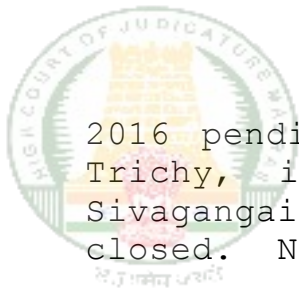
For Respondent : No appearance

ORDER

The marriage between the petitioner and the respondent was solemnized on 12.09.2012 as per the Christian rites and rituals and out of the wedlock, a male child was born on 25.07.2014. The contention of the petitioner is that the respondent harassed the petitioner and treated her badly. Therefore, she was forced to leave the matrimonial home and now she is living along with her parents at Sivagangai. The respondent has filed HMOP.No.17 of 2016, for divorce under the Indian Divorce Act, before the III Additional District Court, Trichy. It is further stated that the petitioner has no independent sources of income and is not in a position to travel and defend the case filed by the respondent at Sivagangai along with her child

2.Despite service of notice on the respondent, there is no representation on his behalf either in person or through pleader and therefore, this Court is constrained to pass orders on merts

3.Considering the well settled legal position that in transfer petitions regarding matrimonial disputes, convenience of the wife shall be given preference, this Court is of the view that the case of the petitioner deserves consideration. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.17 of



2016 pending on the file of the III Additional District Court, Trichy, is ordered to be transferred to the Family Court, Sivagangai, forthwith. Consequently, C.M.P(MD)No.3482 of 2016 is closed. No costs.

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/True copy/

Sd/-

Assistant Registrar(CS II)

Sub Assistant Registrar

To

1)The III Additional District Judge,
Trichy.

2)The Judge,
Family Court, Sivagangai.

+1cc to MR.R.A.MMohanram, Advocate SR.No.63857

nbi

sm:KM:16/11/2016:2P/4C

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