



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.24 of 2016

and CMP(MD)No.558 of 2016

Radhika

..Petitioner

Vs.

Kuppusamy

..Respondent

PRAYER:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.81 of 2015 pending on the file of the Sub Court, Vedachandur to Sub Court, Karur.

For Petitioner : M/s.S.Jainab Beevi
For Respondent : Mr.R.Venkateswaran

O R D E R

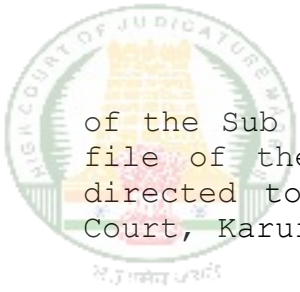
The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.81 of 2015, on the file of the Sub Court, Vedachandur and transfer the same to the Sub Court, Karur.

2.The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 04.03.2004. Due to wedlock, they were blessed with one female child. As the respondent / husband demanded more dowry and harassed the petitioner, she left the matrimonial home and preferred a complaint on 08.10.2015 before the All Women Police Station, Karur. Based on the complaint, a case in Crime No.26 of 2015 for the offence under Sections 498(A), 294(b), 406, 506(i) IPC r/w Section 4 of Dowry Prohibition Act was registered against the respondent and his family members. Whiles, the respondent filed a petition in H.M.O.P.No.81 of 2015 before the Sub Court, Vedachandur, for divorce. Now, the petitioner is residing at Karur with her child with her aged parents. The distance between Karur and Vedachandur is about 50 kms and hence, it is very difficult for the petitioner to travel each and every hearing to attend the case in H.M.O.P.No.81 of 2015 on the file of the Sub Court, Vedachandur. The petitioner is depending on her parents for her day to day expenses including travel expenses.

Therefore, she has come out with the present petition for transfer.

3.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 petitions filed by the wife is liable to be allowed.

4. Considering the facts and circumstances of the case and the submission of the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is ordered and H.M.O.P.No.81 of 2015 on the file



of the Sub Court, Vedachandur, is hereby withdrawn and transferred to the file of the Sub Court, Karur. The learned Sub Court, Vedachandur is directed to send the case bundles in H.M.O.P.No.81 of 2015 to the Sub Court, Karur. No costs. Consequently, CMP(MD)No.558 of 2016 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge, Vedachandur.

2.The Subordinate Judge, Karur.

+1cc to M/s.R.Venkateswaran, Advocate in SR.11929

+1cc to M/s.M.Vivekanandan, Advocate in SR.11806

Tr.C.M.P. (MD)No.24 of 2016
and CMP(MD)No.558 of 2016
26.02.2016

nbj

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