



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2016

Coram:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P. (MD).No.246 of 2016

and C.M.P. (MD) Nos.4849 and 4850 of 2016

A.Nandhini .. Petitioner/Respondent

Vs.

P.Senthilkumar .. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the H.M.O.P.No. 7 of 2016 on the file of the learned Principal II Subordinate Judge, Nagercoil and to transfer the same to the file of the learned Sub Court, Chengalpattu or any other competent court at Chennai.

For Petitioner : Mr.B.Tamil Nidhi
For Respondent : No appearance

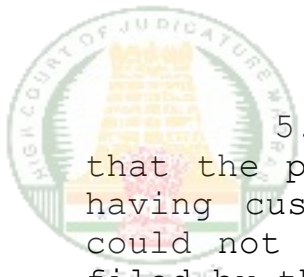
O R D E R

This Transfer Civil Miscellaneous Petition is filed for withdrawal of H.M.O.P. No.7 of 2016 on the file of the learned Principal Sub Judge, Nagercoil and transfer the same to the file of the Sub Court, Chengalpattu.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. According to the petitioner, the marriage between the petitioner and the respondent was solemnized on 15.11.2013 as per the Hindu Rights and Customs and the same was registered at Sub Registrar Office, Thuckalai on 20.11.2013. During the lawful wedlock, a baby was born to them on 25.12.2014.

4. It is alleged that the petitioner was ill-treated and received bad treatments from her in-laws and therefore, she was taken along with her child by her brother to Chennai. Now, she is residing at Maraimalai Nager. The respondent has filed H.M.O.P.No. 7 of 2016 at Sub Court, Nagercoil for restitution of conjugal



5. The learned counsel for the petitioner would submit that the petitioner is a young lady at about 26 years and she is having custody of the child aged about 2 years. The petitioner could not travel to a distance about 700 kms to contest the case filed by the respondent before the Sub Court, Nagercoil.

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6. It is settled law that while considering the cases arising out of matrimonial dispute, convenience of the wife has to be given preference.

7. In such view of the matter, H.M.O.P.No. 7 of 2016 is ordered to be withdrawn from the file of Principal Subordinate Court, Nagercoil and transferred to the file of Subordinate Court, Chengalpet.

8. The learned Principal Sub Judge, Nagercoil is directed to transmit the entire records to the learned Sub Judge, Chengalpet.

9. In the result, this petition is allowed. No costs. Consequently, connected C.M.P.(MD) Nos. 4849 and 4850 are closed.

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Principal II Subordinate Judge,
Nagercoil.

2.The Subordinate Court,
Chengalpet, Kanchipuram District.

+1CC to M/S.B. TamilNidhi, Advocate, SR.No. 36103

+1CC to M/S.V.Rajiv Rufus, Advocate, SR.No. 36254

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