



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TR.C.M.P. (MD) .No.311 of 2016

and

C.M.P. (MD) No.5702 of 2016

Malathi

.. Petitioner/Respondent

Vs.

Sivaprakashkumar

.. Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.63 of 2016 on the file of the Family Court, Dindigul to the Family Court, Trichy.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : No appearance.

O R D E R

This Transfer Civil Miscellaneous petition is filed by the petitioner to withdraw H.M.O.P.No.63 of 2016 from the file of the the Family Court, Dindigul and to transfer the same to the Family Court, Trichy.

2. Heard the learned counsel for the petitioner and perused the records.

3. The petitioner is the wife of the respondent. The marriage was performed between the petitioner and the respondent on 17.06.2007 at Virudhunagar Hindu Nadar Uravinmurai Community Hall at Dindigul as per Hindu rites and customs.

4. The case of the petitioner is that both the petitioner and the respondent lived happily only for the period of two years and thereafter she was harassed by the family members of the



respondent and thrown away from the matrimonial home and in the meanwhile, a son born to them on 26.07.2008 and the efforts taken by the elders for re-union also did not materialise. While so, the respondent filed the petition in H.M.O.P.No.63 of 2016 before the Family Court, Dindigul for divorce.

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5. Mr.C.K.M.Appaji, learned counsel for the petitioner would submit that the petitioner is an young lady, aged about 24 years and she has been residing with her aged parents along with a child at Trichy and she is also suffering from blood pressure. So, she cannot travel 200 Kilometers to defend the case.

6. Despite the receipt of notice, the respondent has not chosen to appear either in person or through counsel and contest the case.

7. It is settled law and in the cases arise out of matrimonial disputes, the convenience of the wife shall be given preference.

8. Considering the said submissions of the learned counsel for the petitioner, the petition is allowed and the petition in H.M.O.P.No.63 of 2016 is ordered to be withdrawn from the file of the learned Judge, Family Court, Dindigul and transferred to the file of the learned Judge, Family Court, Trichy.

9. The learned Judge, Family Court, Dindigul is directed to transmit the entire records to the file of the learned Judge, Family Court, Trichy within a period of two weeks from the date of receipt of a copy of this order and the learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose the matter as expeditiously as possible. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Dindigul.
2. The Judge, Family Court, Trichy.

+1 cc to MR.C.K.M.APPAJI, Advocate SR.NO.46499

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