



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2016

CORAM

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THE HONOURABLE **MR. JUSTICE K.KALYANASUNDARAM**

TR.CMP.(MD) .No.322 of 2016

and

C.M.P (MD) No.5883 of 2016

Mahalakshmi

... Petitioner/Respondent

Vs.

S.Anandakumar

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.182 of 2016 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court at Madurai.

For Petitioner : Mr.N.Sekar

For Respondent : No representation

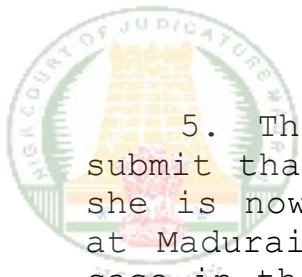
O R D E R

This Transfer Civil Miscellaneous Petition is filed for withdrawal of the case in H.M.O.P.No.182 of 2016 from the file of the Family Court, Trichy and to transfer the same to the file of the Family Court at Madurai.

2. Heard the learned counsel appearing for the petitioner and perused the records. No representation for the respondent.

3. The petitioner is the wife of the respondent. The Marriage between them was solemnized on 08.02.2009. Out of the wedlock, they are blessed with two children.

4. According to the petitioner, the respondent is a drunkard and he used to harass her in an inebriated mood at the instigation of his parents and even after police complaint and their advice, he never changed his attitude. On 03.05.2016, she was brutally attacked, for which, she has lodged a complaint with All Women Police Station, Trichy, in C.S.R.No.80 of 2016. While so, the respondent has filed a divorce petition before the Family Court, Trichy.



5. The learned counsel appearing for the petitioner would submit that the petitioner is young lady, aged about 29 years and she is now residing with her parents along with her two children at Madurai and it will be very difficult for her to defend the case in the Family Court at Trichy.

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6. It is well settled law that while considering the case arising out of matrimonial dispute, convenience of the wife has to be given preference. In such view of the matter, the petition is allowed and the proceedings in H.M.O.P.No.182 of 2016 is ordered to be withdrawn from the file of Family Court, Trichy and transferred to the file of Family Court, Madurai for disposal in accordance with law.

7. The learned Judge, Family Court, Trichy is directed to transmit the records pertaining to H.M.O.P.No.182 of 2016 to the Family Court, Madurai within a period of three weeks from the date of receipt of a copy of this order. After receipt of the records, the learned Judge, Family Court, Madurai is hereby directed to dispose of the petition as expeditiously as possible, after giving notice to both the parties, so as to enable them to make their presence for projecting their respective cases. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Family Court, Trichy
- 2.The Family Court, Madurai.

+1cc to Mr.N.SEKAR,ADVOCATE SR.NO. 39939

JA-DB-10.08.2016/2P:4C

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