



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TR.C.M.P.(MD).No.324 of 2016

and

C.M.P.(MD)No.6033 of 2016

Kalaiarasi ... Petitioner/Respondent

Vs.

Arasukumar ... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to pass an order to withdraw the H.M.O.P.No.5 of 2016 on the file of the Subordinate Court, Tiruvannamalai and to transfer the same to the file of the Subordinate Court, Pudukottai.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : No appearance.

O R D E R

Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.5 of 2016 from the file of the Subordinate Court, Tiruvannamalai and to transfer the same to the Subordinate Court, Pudukottai.

2. According to the petitioner, on 12.09.2010, the marriage between the petitioner and the respondent was solemnised as per the Hindu Rites and customs at Arulmighu Erattai Pillaiyar Temple in Tiruvannamalai. At the time of marriage, the petitioner's parents provided 20 sovereigns of golden jewels and other household articles worth about Rs.2,00,000/- and cash of Rs.45,000/- to purchase a two wheeler. Subsequently, the respondent harassed the petitioner by demanding dowry and in the meanwhile, she got conceived and delivered a child.

3. The petitioner further alleged that when she conceived second time, the respondent deserted her and sent a notice to her with false and frivolous allegations. For which, the petitioner sent a suitable reply. While so, the respondent has filed a divorce petition in H.M.O.P.No.5 of 2016 before the Subordinate Court, Tiruvannamalai.

4. Mr.T.Lenin Kumar, learned counsel appearing for the petitioner would submit that the petitioner is 25 years old and she is having custody of two children and the petitioner's parents are unemployed. Further, she could not travel for more than 250 Kilometers to defend the case at Tiruvannamalai.



5. Despite service of notice, the respondent has not chosen to appear either in person or through counsel and contest the petition.

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 In view of the above facts, this petition is allowed and the petition H.M.O.P.No.5 of 2016 is ordered to be withdrawn from the file of the Subordinate Court, Tiruvannamalai and transferred to the file of the Subordinate Court, Pudukottai. The learned Subordinate Judge, Tiruvannamalai is directed to transmit the entire records to the file of the learned Subordinate Judge, Pudukottai within a period of two weeks from the date of receipt of a copy of this order and the learned Subordinate Judge, Pudukottai, 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(W)

/True Copy/

Sub Assistant Registrar.

To

1. The Subordinate Judge,
Tiruvannamalai.
2. The Subordinate Judge,
Pudukottai.

+1CC to M/S.T.Lenin Kumar, Advocate, SR.No. 36965

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