



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.52 of 2016

C.M.P. (MD)No.1084 of 2016

P.Bharathi

... Petitioner

Vs.

R.Madhavan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.538 of 2014 on the file of the III Sub Court, Madurai District and the same may be transferred to the ***Principal Sub Court, Trichy.**

For Petitioner : Mr.C.Deepak

For Respondent : Mr.M.Thirunavukarasu

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.538 of 2014 on the file of the III Sub Court, Madurai District and the same may be transferred to the ***Principal Sub Court, Trichy.**

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.06.2006. Due to some dispute, the petitioner left the matrimonial home. Whiles, the respondent / husband filed a petition in H.M.O.P.No.538 of 2014 before the III Additional Sub Court, Madurai, for divorce. The petitioner along with her child is now residing with her parents at Trichy. The distance between Madurai and Trichy is about 130 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case in H.M.O.P.No.538 of 2014 before the III Additional Sub Court, Madurai. The petitioner is depending on her parents for her day to day expenses, including travelling expenses. She has also stated that it will not be difficult for the respondent / husband to attend the hearing at ***Principal Sub Court, Trichy.** Therefore, she has come out with the present petition for transfer.



3.The learned counsel for the respondent submitted that the respondent is working in a private company and hence, it is very difficult for him to attend the Court at Trichy and prayed for dismissal of the case.

4.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 petition filed by the wife is liable to be allowed.

5.Considering the facts and circumstances, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.538 of 2014 pending on the file of the III Additional Sub Court, Madurai is hereby withdrawn and transferred to the file of the ***Principal Sub Court, Trichy**. if the same is not yet disposed of. The learned III Additional Sub Judge, Madurai is directed to send the case bundles in H.M.O.P.No.538 of 2014 to the ***Principal Sub Court, Trichy**. immediately. The Registry is directed to send back the papers that are pending before the Registry. Considering the fact that the H.M.O.P.is of the year 2014, the learned Judge, ***Principal Sub Court, Trichy**. is hereby directed to dispose the case as expeditiously as possible, in any event, not later than 31.12.2016. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

***Corrected order as per dated:09.06.2016
in Tr.CMP. (MD) .No.52/16**

Sub Assistant Registrar

To

(To be substituted order already despatched on 02.06.2016)

- 1.The III Additional Subordinate Judge, Madurai.
- 2.The Principal Subordinate Judge, Trichy.**

+1CC to Mr.M.Thirunavukkarasu Advocate Sr.No.29290
<https://hcservices.ecourts.gov.in/hcservices/>
+1CC to Mr.C.Deepak Advocate Sr.No.29555



Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

GJM/NGM/MP/SAR-III-2.6.16-2p-6C
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