



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.03.2016

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.95 of 2016

and

C.M.P. (MD) .No.1663 of 2016

WEB COPY

Mrs.A.Padma

... Petitioner

Vs.

1.P.Saravanan

2.R.M.Adhirathinam

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.246 of 2015 from the file of the Subordinate Court, Pudukkottai and transfer the same to the Sub-Court, Devakottai, Sivagangai District.

For Petitioner :Mr.P.Mahendran

For R1 :No appearance

For R2 :Formal Party

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.246 of 2015 from the file of the Subordinate Court, Pudukkottai and transfer the same to the Sub-Court, Devakottai, Sivagangai District.

2.The petitioner herein is the wife and the first respondent is the husband. The marriage between the petitioner and the first respondent was solemnized on 02.11.2014. Due to dispute arose between the petitioner and the respondent, both are living separately. Whiles, the respondent filed H.M.O.P.No.246 of 2015 before the Subordinate Court, Pudukkottai for dissolution of marriage.

3.According to the petitioner, she is residing at Devakottai along with her parents and she is not having any independent income. She is depending on her parents for her day to day expenses, including travelling expenses. The distance between Devakottai and Pudukkottai is more than 65 kms and it is very difficult for her to travel from Devakottai to Pudukkottai. The parents of the petitioner are suffering from various ailments and they are unable to move and she is not having any male assistance to go Pudukkottai for each and every hearing. In the circumstances, the petitioner has come out



with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4.The second respondent is the father of the petitioner and he has filed a memo on behalf of the petitioner.

5.I have heard Mr.P.Mahendran, learned counsel appearing for the petitioner and carefully perused the entire materials on record.

6.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be ordered.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered and the H.M.O.P.No.246 of 2015 pending on the file of the Subordinate Court, Pudukottai is ordered to be withdrawn and transferred to the file of the Subordinate Court, Devakottai, Sivagangai District. The learned Subordinate Judge, Pudukottai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.246 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, the connected C.M.P., is closed.

Sd/
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Pudukottai.

2.The Subordinate Judge,
Devakottai,
Sivagangai District.

+1cc to Mr.P,Mahendran, Advocate SR.No.15231
CN/SKN-SK/SAR1/30.03.2016/2P-4C

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