



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.158 of 2015

and

M.P(MD)No.1 of 2015

M.Subhashini

... Petitioner

Vs.

M.Mrikannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer the case in H.M.O.P.No.81 of 2014 on the file of the Subordinate Court, Ambasamuthiram, Tirunelveli District to Principal Subordinate Court, Krishnagiri.

For Petitioner : Mr.R.Pandi Maharaja
For Respondent : Mr.S.S.Thesigan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.81 of 2014 on the file of the Subordinate Court, Ambasamuthiram and transfer the same to Principal Subordinate Court, Krishnagiri.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.05.2011 as per Hindu customs and rites. They were blessed with one female child in the wedlock. Due to some dispute, the petitioner left the matrimonial home. In the mean time, the respondent / husband filed a petition in H.M.O.P.No.81 of 2014 before the Subordinate Court, Ambasamuthiram, for divorce. The petitioner along with her child is now residing with her parents at Krishnagiri. The distance between Krishnagiri and Ambasamuthiram is about 500 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case at Ambasamuthiram. The petitioner is depending on her parents for her day to day expenses including the travelling expenses. Therefore, she has come out with the present petition for transfer.

3.The learned counsel for the respondent submitted that the respondent is residing at Vickramasingapuram, Ambasamuthiram



Taluk, Tirunelveli District and it will be difficult for him to attend the case at Krishnagiri.

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.Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.81 of 2014 pending on the file of the Subordinate Court, Ambasamuthiram, is hereby withdrawn and transferred to the file of the Principal Subordinate Court, Krishnagiri, if the same is not already disposed of. The learned Subordinate Judge, Ambasamuthiram is directed to send the case bundles in H.M.O.P.No.81 of 2014 to the Principal Subordinate Court, Krishnagiri immediately. The Registry is directed to send back the papers that are pending before the Registry. Since H.M.O.P.No.81 of 2014 is of the year 2014, the learned Principal Subordinate Judge, Krishnagiri is hereby directed to dispose of 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Ambasamuthiram.

2.The Principal Subordinate Judge, Krishnagiri.

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

GJM/NGM/MP/SAR-III-2.6.16-2p-4C

Tr.C.M.P. (MD) No.158 of 2015
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