



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.07.2015
CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.188 of 2015 and
M.P(MD).No.1 of 2015

Mathimalar

... Petitioner

Vs.

D. Manoj Pandi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer HMO.P.No.157 of 2015 from the file of Family Court, Trichirappalli, to Sub Court, Melur.

For Petitioner

: Mr. R. Subramanian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMO.P.No.157 of 2015 from the file of Family Court, Trichirappalli, to Sub Court, Melur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.05.2015. After marriage, the respondent was appointed as Police Constable and he joined duty in Thiruchirappalli City Armed Reserve Police. Both the petitioner and the respondent were residing together in the Quarters at Thiruchirappalli. Two children were born in the wedlock. Due to mis-understanding, the respondent threatened the petitioner to kill her and children. She gave a compliant before the Melur Police Station. In December 2014, the petitioner was sent out from the matrimonial home. Thereafter, the respondent file HMOP.No.157 of 2015, on the file of Family Court, Thiruchirappalli, for divorce.

3. Now, the petitioner is residing at Therkkur Valavur, A. Vallalapatti, Village, Melur Taluk, along with minor child. The distance between Melur and Trichy is about 125 Kms and it is very difficult for the petitioner to travel for each and every hearing at Trichy, along with minor child. There is no one to accompany her to travel from Melur to Trichy. Further, she is not having any independent income. The petitioner is only depending



on her parents for her day- to-day expenses, including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMO.P.No.157 of 2015 from the file of Family Court, Trichirappalli, to Sub Court, Melur.

5. Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

6. Heard the learned counsel appearing for both parties.

7. 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 allowed.

8. Accordingly, the Transfer CMP is allowed and HMOP.No.157 of 2015, pending on the file of Family Court, Thiruchirappalli, is ordered to be withdrawn and transferred to the file of Sub Court, Melur. The learned Family Court Judge, Thiruchirappalli, is directed to transmit the entire records pertaining to the case in HMOP.No.157 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, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per Admn)

/True Copy/

Sub Assistant Registrar

To

1.The Family Judge, The Family Court, Trichy

2.The Sub- Judge, Sub - Court, Melur

+1cc to MR.R.SUBRAMANIAN, Advocate Sr.No.37818

TRP

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