



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P(MD)No.128 of 2016
and
C.M.P(MD)No.2138 of 2016

P. Gowsalya ... Petitioner/
Respondent
Vs.
P. Moovendran ... Respondent/
Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.80 of 2016 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul District.

For Petitioner : Mr. S. Prabhu

For Respondent : Mr. J. Barathan

ORDER

The petitioner has come forward with this petition seeking to withdraw H.M.O.P.No.80 of 2016 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.02.2013 as per the Hindu Rites and Customs. After the marriage both were living together as joint family with her in-laws. On 13.12.2015, the petitioner's mother-in-law and sister-in-law have not allowed the petitioner to enter into the matrimonial home and tortured her by demanding more dowry. Hence, the petitioner has given a complaint before the Inspector of Police, All Women Police Station, Nilakottai, on 30.01.2016, for reunion with the respondent/husband. While so, the respondent filed H.M.O.P.No.80 of 2016 before the Family Court, Madurai, for dissolution of marriage. Now, the petitioner is residing at Nilakottai with her parents and the distance between Nilakottai and Madurai is more than 90 Kilometers to-and-fro, and she is not having any independent source of income to take care of their day-to-day affairs. According to the petitioner, there is no safety to attend the proceedings before the Family Court, Madurai, as there is a life threat by the respondent.



3. The respondent filed counter affidavit and denied all the allegations made by the petitioner.

4. Heard the learned Counsel for the petitioner/wife and the learned Counsel for the respondent/husband and perused the materials available on record.

5. Since the petitioner/wife is living with her parents at Nilakottai, it is very difficult for a lady to travel from Nilakottai to Madurai, for each and every hearing. The place of residence of the petitioner/wife is the appropriate place for trying the case and it is a settled law that convenience of the wife should be given preference.

6. Therefore, H.M.O.P.No.80 of 2016 on the file of the Family Court, Madurai, is withdrawn and transferred to the Family Court, Dindigul District.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered as above. No costs. Consequently, the connected civil miscellaneous petition is closed.

sd/-

Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1.The Judge, Family Court, Madurai.

2.The Judge, Family Court, Dindigul District.

+1cc to Mr.T.R.Jeyapalam, Advocate SR.No.13563

sss

sm:RR:16/03/2017:2P/4C

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and

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