



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2017

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P (MD) No.474 of 2016

and

M.P (MD) No.9661 of 2016

R.Sahana .. Petitioner/Respondent

Vs.

V.Rajashanmugam .. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.94 of 2016, on the file of the Learned Sub Court, Virudhunagar and transfer the same to the Learned Principal Sub Court, Madurai.

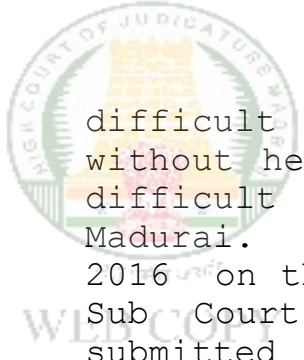
For Petitioner : Mr.M.Sheik Abdullah
For Respondent : Mr.S.Ramasamy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.94 of 2016, on the file of the Sub-Court, Virudhunagar and transfer the same to the file of the Principal Sub Court, Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.06.2014 as per Hindu Rites and Customs. After the marriage, both were residing together in the matrimonial home. Within few months of the marriage, the respondent and his parents treated the petitioner cruelly both physically and mentally. The parents of the petitioner arranged for several mediations and conciliations with help of elders and family members and community people. Whiles, the respondent filed H.M.O.P.No.94 of 2016 before the Sub Court, Virudhunagar, for divorce.

3.Now, the petitioner is residing with her aged parents at Madurai. She is not having any independent income and she is depending on her parents for her day-to-day expenses including the travel expenses. The distance between the Madurai and Virudhunagar is more than 60 kms. The petitioner, being a lady, finds it very



difficult to attend the hearing in the Court at Virudhunagar without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Madurai. Therefore, she prayed for transfer H.M.O.P.No.94 of 2016 on the file of the Sub Court, Virudhunagar to the Principle Sub Court, Madurai. The learned counsel for the petitioner submitted that the petitioner is ready and willing to live with the respondent.

4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.94 of 2016 filed by the respondent/Husband before the Sub Court, Virudhunagar to the file of the Principal Sub Court, Madurai.

5.The learned counsel for the respondent submitted that the respondent is also ready and willing to live with the petitioner. He further submitted that he has no objection to transfer the H.M.O.P.No.94 of 2016 from Sub Court, Virudhunagar to Principal Sub Court, Madurai.

6.Heard the learned counsel appearing for the petitioner and the respondent.

8. 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.

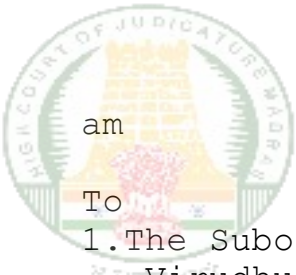
9.Recording the no objection by the counsel for the respondent, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.94 of 2016 on the file of the Sub Court, Virudhunagar, is hereby withdrawn and transferred to the file of the Principal Sub Court, Madurai. The learned Sub Judge, Virudhunagar, is directed to send the case bundles to the Principal Sub Court, Madurai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, C.M.P(MD)No.9661 of 2016 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



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To

1.The Subordinate Judge,
Virudhunagar.

2.The Principal Subordinate Judge,
Madurai.

+1CC to Mr.M.Sheik Abdullah, Advocate Sr.No.12798

+1CC to Mr. S.Ramasamy, Advocate Sr.No.12760

GJM/RR/14.3.17-3p-5c

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