



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P(MD)No.551 of 2016

and

C.M.P(MD)No.11675 of 2016

Umamaheswari, W/o. Thiruppathi

... Petitioner

Vs.

Thiruppathi, S/o.Thiruppathi

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer G.O.P.No.55 of 2016 on the file of the Principal District Court, Pudukkottai and to transfer the same to the file of the Principal District Court, Karur.

For Petitioner

: Mr. R.M.S.Sethuraman

For Respondent

: Mr. K.N.Govardhanan

ORDER

The petitioner/wife has come before this Court seeking to withdraw and transfer G.O.P.No.55 of 2016 on the file of the Principal District Court, Pudukkottai and to transfer the same to the file of the Principal District Court, Karur.

2. The petitioner/wife and the respondent/husband got married on 09.02.2014 as per Hindu Rites and Customs at Thiruvarangulam Village, Pudukkottai. After the marriage, both were living together as husband and wife in the matrimonial home. A female child was born on 01.05.2015 in the wedlock. Due to misunderstanding, they are living separately. While so, the respondent filed H.M.O.P.No.137 of 2015 against the petitioner before the Subordinate Court, Pudukkottai, for restitution of conjugal rights. Thereafter, the petitioner filed Tr.C.M.P.No.298 of 2015 before this Court for transferring the said H.M.O.P from the file of the Subordinate Court, Pudukkottai to the file of the Subordinate Court, Karur. The said Tr.C.M.P. was ordered by this Court on 18.04.2016. Accordingly, the said H.M.O.P. was transferred to the Subordinate Court, Karur and the same is pending. The respondent filed G.O.P.No.55 of 2016 against the petitioner with false averments before the Principal District Court, Pudukkottai, to appoint him as Guardian of the minor child namely, Shily.



3. The petitioner/wife is residing with her parents along with her child at Karur. The distance between Karur and Pudukottai is more than 240 Kilometers to and fro, and there is no assistance to accompany her to attend every hearing of the case at Pudukottai. Further, the parents of the petitioner are suffering from various ailments and hence, the petitioner has come out with the present petition for the relief stated supra.

4. The learned counsel for the respondent submitted that the respondent is working in a Co-operative Store and it is very difficult for him to take leave to attend the hearing of the case at Karur, if the said G.O.P. is transferred to Principal District Court, Karur.

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

6. Since the petitioner/wife is living with her parents along with her two years old female child at Karur, it is very difficult for a lady to travel for about 240 Kilometers from Karur to Pudukottai, to and fro, for every hearing. The place of residence of the petitioner/wife is the appropriate place for trying the case. It is well settled that in transfer petitions regarding matrimonial disputes, convenience of the wife should be given preference.

7. Therefore, G.O.P.No.55 of 2016, on the file of the Principal District Court, Pudukkottai, is withdrawn and transferred to the file of the Principal District Court, Karur.

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

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1.The Principal District Judge, Pudukkottai.

2.The Principal District Judge, Karur.

+1 CC to M/s.RMS.SETHURAMAN, Advocate, SR No. 17120

+1 CC to M/s.K.N.GOVARDHANAN, Advocate, SR No. 17198

SSS

PSM/MR/SAR4/19.04.2017/2P/5C

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