



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.564 of 2016

and

C.M.P(MD)No.11944 of 2016

T. Anitha

... Petitioner

Vs.

V.C.Manikandan

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.4158 of 2016 on the file of the Family Court No.I, Madras and to transfer the same for trial to the file of the Subordinate Court, Tenkasi, Tirunelveli District.

For Petitioner : Mr. G.Sridharan

For Respondent : Mr. R.Maheswarn

ORDER

The petitioner/wife has come before this Court seeking to withdraw H.M.O.P.No.4158 of 2016 on the file of the Family Court No.1, Madras and to transfer the same for trial to the file of the Subordinate Court, Tenkasi, Tirunelveli District.

2. The petitioner/wife and the respondent/husband got married on 09.04.2014 at Santhana Mariamman Temple, Chokkampatti as per the Hindu Rites and Customs. After the marriage, both were living together as husband and wife in the matrimonial home at Chennai. One female child was born in the wedlock. Due to misunderstanding, they are living separately. The respondent filed H.M.O.P.No.4158 of 2016 before the Family Court No.1, Madras, for restitution of conjugal rights. The petitioner/wife is residing along with her parents and her child at Kadayanallur, Tirunelveli District. The distance between Kadyanallur and Chennai is more than 600 Kilometers and there is no male assistance to accompany her for each and every hearing of the case at Chennai. Further, the parents of the petitioner are suffering from various ailments and the petitioner is not having any independent source of income to take care of their day-to-day affairs. Hence, the petitioner has come out with the present petition for the relief stated supra.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Heard the learned Counsel for the petitioner/wife and the



learned counsel for the respondent and perused the materials available on record.

4. Since the petitioner/wife is living along with her parents and her child at Kadayanallur, it is very difficult for a lady to travel for about more than 600 Kilometers from Kadayanallur to Chennai, for 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.

5. Therefore, H.M.O.P.No.4158 of 2016 on the file of the Family Court No.1, Madras, is withdrawn and transferred to the Subordinate Court, Tenkasi.

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

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1.The Judge, Family Court No.I, Madras.

2.The Subordinate Judge, Tenkasi, Tirunelveli District.

+1 CC to Mr.G.SRIDHARAN, Advocate, SR No. 16141.

SSS

PSM/KP/SAR4/05.04.2017/2P/4C

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