



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.03.2017
CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P (MD) No.571 of 2016
and
C.M.P (MD) No.12051 of 2016

S. Devaki ...Petitioner/Respondent

Vs.

Elangovan ...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.299 of 2016, on the file of the Family Court, Madurai to the Sub Court, Pudukottai.

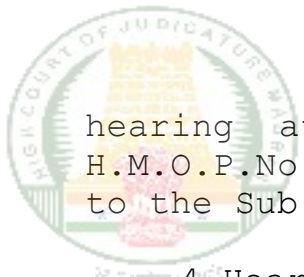
For Petitioner : Mr. V. Thirumal
For Respondent : Mr. N. Mariappan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.299 of 2016, pending on the file of the Family Court, Madurai and transfer the same to the Sub Court, Pudukottai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.04.2015 at Kandasamy Servai - Visalakshi Marriage Hall, Krishna Nagar, Madurai City, as per Hindu Rites and Customs. After the marriage, both were living together in the matrimonial home. Due to misunderstanding between the petitioner and the respondent, the respondent thrown out the petitioner from the matrimonial home and both were living separately. The respondent filed H.M.O.P.No.299 of 2016 before the Family Court, Madurai, for divorce. Therefore, the petitioner filed maintenance case in M.C.NO.14 of 2016 for claiming maintenance for a sum of Rs.15,000/- against the respondent.

3.According to the petitioner, she is residing at Pudukottai along with her aged parents. She is not having any independent income and she is depending on her parents for her day-to-day expenses, including the travelling expenses. The distance between the Pudukottai and Madurai is more than 200 kms. The petitioner, <https://hcservices.courts.gov.in/hcservices/> finds it very difficult to attend the hearing in the Court at Madurai without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the



hearing at Pudukottai. Therefore, she prayed for transfer H.M.O.P.No.299 of 2016, on the file of the Family Court, Madurai to the Sub Court, Pudukottai.

4. Heard the learned counsel appearing for the petitioner.

5. The learned counsel appearing for the respondent has opposed the transfer Civil Miscellaneous Petition.

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.299 of 2016, on the file of the Family Court, Madurai, is hereby withdrawn and transferred to the file of the Sub Court, Pudukottai. The learned Family Court Judge, Madurai is directed to send the case bundles to the Sub Court, Pudukottai, 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.12051 of 2016 is closed.

Sd/-

Assitant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Judge Family Court, Madurai.

2. The Subordinate Judge, Pudukottai.
(With Records if any)

+1cc to M/s.N.MARIAPPAN, Advocate, in SR No. 13598

+1cc to M/s.V.THIRUMAL, Advocate, in SR No. 12936

AM/SSS

AAM-CM MSA/21.03.2017 2P 5c

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