



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.03.2017

CORAM

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THE HONOURABLE MS.JUSTICE **V.M.VELUMANI**

TR.C.M.P(MD)No.580 of 2017

and

C.M.P(MD)No.12249 of 2016

P. Vaishnavi

...Petitioner/Respondent

Vs.

P. Praveenkumar

...Respondent/Petitioner

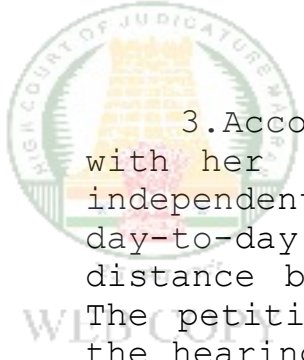
Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.649 of 2016, on the file of the Family Court, Coimbatore to the Sub Court, Theni.

For Petitioner : Mr.J.Senthilkumar
For Respondent : Mr.A.Arumugam
for M/S.Ajmal Associates

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.649 of 2016, pending on the file of the Family Court, Coimbatore and transfer the same to the Sub Court, Theni.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.03.2014 at Rathinavelu Saraswathi Thirumana Mahal, Periyakulam, Theni District, as per Hindu Rites and Customs. After the marriage, both were living together in the matrimonial home at Door No. 121 D, 1st Floor, KKNV sons Thirumana Mahal Opposite, Vilankuruchi Road, Saravanampatti, Coimbatore. One male child was born in the wedlock. Due to misunderstanding between the petitioner and the respondent, the respondent thrown her out from the matrimonial home and both were living separately. The respondent filed H.M.O.P.No.649 of 2016 before the Family Court, Coimbatore for Divorce. The petitioner filed I.A.No.531 of 2016 in H.M.O.P.No.649 of 2016 for interim maintenance and she filed M.C.No.6 of 2016, before the Chief Judicial Magistrate, Theni. She also filed DVA No.09 of 2016 before the Judicial



3. According to the petitioner, she is residing at Theni along with her aged parents with her child. 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 Theni and Coimbatore is more than 160 kms. The petitioner, being a lady, finds it very difficult to attend the hearing in the Court at Coimbatore without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Theni. Therefore, she prayed for transfer of H.M..O.P.No.649 of 2016, on the file of the Family Court, Coimbatore, to the Sub Court, Theni.

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.649 of 2016, on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Sub Court, Theni. The learned Family Court Judge, Coimbatore is directed to send the case bundles to the Sub Court, Theni, 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.12249 of 2016 is closed.

sd/
Assistant Registrar(C)

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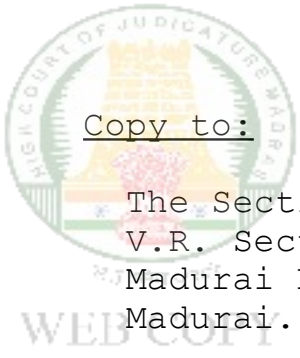
Sub Assistant Registrar

To

1. The Presiding Judge,
The Family Court,
Coimbatore.

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

2. The Sub Judge, Theni.



Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.AJMAL ASSOCIATES, Advocate, SR.NO.13086
+1CC TO M/S.J.SENTHIL KUMAR, Advocate, SR.NO. 13625

TR.C.M.P (MD) No.580 of 2016

AM/CM MSA/21.03.2017/3P/6C