



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) .No.16 of 2018
and
C.M.P. (MD) .No.414 of 2018

S.Kokilapriya @ Kavitha ... Petitioner/Respondent wife

Vs.

N.Srinivasan ... Respondent/Petitioner Husband

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 C.P.C to withdraw the case on the file of the learned Subordinate Judge, Nagercoil in HMOP No.96 of 2017 and transfer the same to the learned Family Court Judge, Madurai.

For Petitioner : Mr.S.Mahendrapathy
For Respondent : Mr.L.George Paul Anto

O R D E R

The Transfer Civil Miscellaneous Petition is filed to transfer the HMOP No.96 of 2017, on the file of the Subordinate Judge, Nagercoil to the learned Family Court Judge, 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 24.02.2012 as per the Hindu Rites and Customs. Due to wedlock, a male child was born and now the child is with the custody of the petitioner. The petitioner contended that due to harassment caused by the respondent, she left the matrimonial home and now she is residing with her parents at Madurai District.

3.The learned counsel for the petitioner contended that the petitioner is not having any independent sources of income and she is living with support of her parents and she has to look after the livelihood of her minor child also. He further submitted that as the respondent is an influenced person, he is threatening the petitioner while she attends the Court hearing at Nagercoil and distance between the Madurai and Nagercoil is more than 200 kilometers.



4.The learned counsel for the respondent opposed the transfer petition and contended that the petitioner left the matrimonial home at her own volition and not at the instance of the respondent and therefore, the present petition is to be dismissed.

5.I have heard the learned counsel appearing on either side.

6.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Further, the petitioner has given valid reasons to Transfer the HMOP. Therefore, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this Petition is allowed with the following directions:-

(a) The learned Subordinate Judge, Nagercoil, is directed to transmit the entire records pertaining to the case in the HMOP No.96 of 2017, to the learned Family Court Judge, Madurai, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned learned Family Court Judge, Madurai after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of three months, thereafter.

7.No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (cs-III)

// True Copy //

Sub Assistant Registrar(CS-iii)

To

1.The Subordinate Judge,
Nagercoil.

2.The Family Court Judge,
Madurai

+1 CC To MR.S.MAHENDRAPATHY, Advocate SR. NO. 77287

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