



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

T.R.C.M.P. (MD) No.209 of 2019

and

C.M.P. (MD) No.4855 of 2019

R.Nithya

... Petitioner

Vs.

R.Vijayakanth

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition for divorce in H.M.O.P.No.183 of 2018 from the 4<sup>th</sup> Subordinate Court, Perambalur and transfer the same to the Subordinate Court, Trichy.

For Petitioner

:Mr.S.Royce Immanuel

For Respondent

:No Appearance

### ORDER

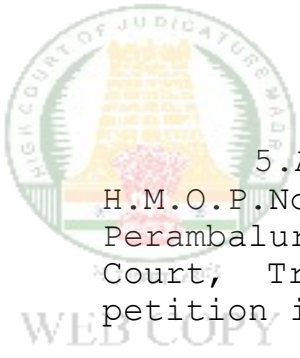
This Transfer Petition is preferred by the wife, to withdraw the petition for divorce in H.M.O.P.No.183 of 2018 from the 4<sup>th</sup> Subordinate Court, Perambalur and transfer the same to the Subordinate Court, Trichy.

2.Despite notice to the respondent through Court, the same was returned with an endorsement, "refused".

3.It is stated that the marriage between the petitioner and the respondent was solemnized on 31.01.2018 at Vadivuthai Amman Temple, Nallarikkai, Kunnam Taluk, Perambalur District, as per Hindu rites and customs. It is further stated that the respondent is economically sound, as he is getting huge income. In view of the difference of opinion arise between them, the husband filed a petition for divorce before the 4<sup>th</sup> Subordinate Court, Perambalur.

4.The petitioner has made an allegation that the respondent's uncle, by name, Seitu, made an attempt to assault her with the help of rowdy elements on 28.03.2019, when she came to attend the Court. Hence, the petitioner seeks transfer of divorce petition to the file of Subordinate Court, Trichy.

4.In a petition filed by the husband, the convenience of the wife can be given some preference. In that view of the matter, this Court is directed to allow this petition.



5.As a result, this petition is allowed and the petition in H.M.O.P.No.183 of 2018 pending before the 4<sup>th</sup> Subordinate Court, Perambalur, is withdrawn and the same is transferred to Subordinate Court, Trichy. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

cmr

To

1.The IV Subordinate Judge, Perambalur.

2.The Subordinate Judge, Trichy.

+1CC TO MR.ROYCE IMMANUEL, Advocate Sr. No. 72679

T.R.C.M.P. (MD) No.209 of 2019

02.07.2019

KMV (CO)

TR (11.07.2019) 2P 4C