



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM :

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**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

TR.CMP (MD) No.312 of 2017  
and  
CMP (MD) No.6680 of 2017

Logamaniammal

... Petitioner

**vs.**

Periyamayan

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP.No.62/2014 on the file of the Principal Sub Court, Tiruchirappalli and transfer the same to any other Court in Madurai.

For Petitioner : Mr.S.Muthukrishnan  
For Respondent : Mr.T.Senthil Kumar

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed to withdraw HMOP.No.62/2014 on the file of the Principal Sub Court, Tiruchirappalli and transfer the same to any other Court in Madurai.

2.Learned counsel for the petitioner would among other things aver that the marriage between the petitioner and the respondent was solemnised on 13.07.1983 at Vadurani Village, Usilampatti Taluk, Madurai District, as per the Hindu rites and customs. Out of the wedlock, two male children were born in 1987 and 1989 respectively and now they are working. It is further contended that the respondent treated the petitioner in an inhuman manner and used filthy languages against her and the compromise effort taken by the elders went in vain. While so, the respondent filed HMOP.No.62/2014 on the file of the Principal Sub Court, Tiruchirappalli, for divorce.

3.Learned counsel for the petitioner would further submit the petitioner was residing in NIT quarters along with the respondent and after filing of the divorce petition, the respondent compelled the petitioner to vacate from NIT quarters and therefore, she is residing at Vadurani village, Usilampatti Taluk, Madurai District and she does not have income for her livelihood. Further, the distance between Usilampatti and Tiruchirappalli is about 180 kms



and she is unable to bear the expenses for attending the hearings at Tiruchirappalli.

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

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5. It is a settled legal proposition that in transfer petitions regarding matrimonial disputes, convenience of the wife has to be given preference. In this regard, reference can be made to the following decision of the Hon'ble Supreme Court in **Arti Rani @ Pinki Devi and another Vs. Dharmendra Comber Gupta**, reported in **2008 (9) SCC 353**, wherein, it has been held that convenience of the wife must be given preference in the matter of transfer petition.

6. Considering the facts and circumstances of the case and in the light of the legal principle that convenience of the wife has to be given preference, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.62/2014 on the file of the Principal Sub Court, Tiruchirappalli, is ordered to be transferred to the file of the Principal Subordinate Court at Madurai, within a period of two weeks from the date of receipt of a copy of this order. The learned Principal Sub Judge, Madurai, is directed to dispose of HMOP.No.62/2014 within a period of six months from the date of receipt of case papers in HMOP.No.62/2014. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1) The Principal Subordinate Judge,  
Principal Sub Court,  
Madurai.

2) The Principal Subordinate Judge,  
Principal Sub Court,  
Tiruchirappalli.

+ 1 CC TO Mr.S.MUTHUKRISHNAN, ADVOCATE IN SR No. 45448

BALA

TE/KK/SAR-2 : 12/02/2018 : 2P/4C