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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.06.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.126 of 2014 and
M.P(MD)No.1 of 2014

R. Sujatha ... Petitioner
Vs.

1. G. Arulraj
2. Rangarajan (given up) ... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.19 of 2014 on the file of the Sub Court, Ranipet (Camp at Arakonam) and the same may be transferred to the Additional Sub Court, Karur to be tried along with HMOP No.90 of 2014 on the file of the Additional Sub court, Karur or any other competent Court having jurisdiction at Karur.

For Petitioner : Mr.R. Devaraj
For 1st Respondent : Mr.P. Arun Jayatram

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.19 of 2014 on the file of the Sub Court, Ranipet (Camp at Arakonam) and the same may be transferred to the Additional Sub Court, Karur to be tried along with HMOP No.90 of 2014 on the file of the Additional Subordinate Court, Karur.

2. The petitioner herein is the wife and the 1st respondent is the husband of the petitioner and the 2nd respondent is the father of the 1st respondent. The marriage was solemnized between the petitioner and the 1st respondent on 20.02.2011, as per Hindu Rites and Customs. A female child was born on 19.01.2012, in the wedlock. Due to mis-understanding between the petitioner and respondent, she filed HMOP.No.90 of 2014, before the Additional Sub Court, Karur, for divorce, on the ground of cruelty. The first respondent filed HMOP.No.19 of 2014 on the file of the Sub Court, Ranipet (Camp at Arakkonam), for restitution of conjugal rights.

3. According to the petitioner, the distance between Karur and Arakkonam is about 400 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.19 of 2014, before the Sub Court, Ranipet (Camp at Arakkonam). The petitioner is depending on her parents for day to day expenses including travel expenses.

4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.19 of 2014 filed by the 1st respondent/ husband to be tried before the Sub Court, Ranipet (Camp at Arakkonam), to the Additional Sub Court, Karur to be tried along with H.M.O.P.No.90 of 2014.



5. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both H.M.O.P.No.90 of 2014 and HMOP.No.19 of 2014 are to be tried together in the same Court.

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. 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.19 of 2014 on the file of the Sub Court, Ranipet (Camp at Arakkonam), is hereby withdrawn and transferred to the file of the Additional Sub Court, Karur, to be tried along with H.M.O.P.No.90 of 2014 filed by the petitioner, if the same is not yet disposed of. The Sub Court, Ranipet (Camp at Arakkonam) is directed to send the case bundles to the Additional Sub Court, Karur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.Sub Court, Ranipet (Camp at Arakkonam)

2.The Additional Sub Court,
Karur.

Copy to:

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

+1cc to Mr.R.Devaraj, Advocate SR.No.27396

Tr.C.M.P(MD)No.126 of 2014 and
M.P(MD)No.1 of 2014
03.06.2015

trp

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