



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P(MD)No.142 of 2014 and
M.P(MD)No.1 of 2014

Sangeetha

... Petitioner

Vs.

Vinothkumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.101 of 2014 on the file of the Family Court, Madurai and transfer the same to the Sub Court, Theni and club the same with HMOP.No.22 of 2014 on the file of the Sub court, Theni.

For Petitioner : Mr.B. Jeyakumar
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.101 of 2014 on the file of the Family Court, Madurai and the same may be transferred to the Sub Court, Theni to be tried along with HMOP No.22 of 2014, on the file of 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 17.01.2013, as per Hindu Rites and Customs. A female child was born in the month of October 2013, in the wedlock. The respondent tortured the petitioner severely and sent out from the matrimonial home. Subsequently, the petitioner filed HMOP.No.22 of 2014 before the Sub-Court, Theni for dissolution of marriage. After receiving the notice in the HMOP.No.22 of 2014 filed by the petitioner, the respondent filed HMOP.No.101 of 2014, for restitution of conjugal rights, before the Family Court, Madurai.

3. Now, the petitioner is staying at Theni along with her parents. According to the petitioner, the distance between Theni and Madurai is about 100 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.101 of 2014, before the Family Court, Madurai. 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.101 of 2014 filed by the respondent/ husband before the Family Court, Madurai, to the Sub Court, Theni to be tried along with H.M.O.P.No.22 of 2014.

5. Head the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

6. 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.101 of 2014 and HMOP.No.22 of 2014 to be tried together in the same Court.

7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.101 of 2014 on the file of the Family Court, Madurai, is hereby withdrawn and transferred to the file of the Sub Court, Theni, to be tried along with H.M.O.P.No.22 of 2014 filed by the petitioner, if the same is not yet disposed of. The Family Court, Madurai, 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, M.P(MD)No.1 of 2014 is closed.

Sd/-
Assistant Registrar(Per Admn)

/True Copy/

Sub Assistant Registrar

To
1.The Sub Judge, Theni
2.The Judge, Family Court, Madurai
Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

trp
AA/19.06.2015/ 2p-4c/

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