



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.07.2015
CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.144 of 2014 and
M.P(MD)No.1 of 2014

Revathi ... Petitioner/Respondent
Vs.

Selvaraj ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of r/w 151 Civil Procedure Code to withdraw the case on the file of the Sub-Court, Poonamallee in HMOP No.12 of 2014 and transfer the same to the learned Subordinate Judge, Pudukkottai to try along with the case in HMOP No.80 of 2014.

For Petitioner : Mr.D.Rameshkumar
For Respondent : Mr.S.C.Herold Singh

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Sub-Court, Poonamallee in HMOP No.12 of 2014 and transfer the same to the learned Subordinate Judge, Pudukkottai, to be tried along with the case in HMOP No.80 of 2014.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.05.2010, as per Hindu Rites and Customs. A male child was born in the wedlock. Due to misunderstanding, the petitioner left the matrimonial home with child. The respondent filed HMOP No.12 of 2014, for divorce on the ground of cruelty, before the Sub Court, Poonamallee. The petitioner filed HMOP No.80 of 2014 for Restitution of Conjugal Rights, before the Sub Court, Pudukkottai.

3. Now, the petitioner is residing at Pudukottai with her parents along with child. The petitioner is depending on her parents for her day-to-day expenses including travel expenses. According to the petitioner, the distance between Pudukkottai and Poonamallee, is 400 kms and it is very difficult for her to travel each and every hearing to attend H.M.O.P.No.12 of 2014, before the Sub Court, Poonamallee.

<https://hcservices.courts.gov.in/hcservices/> 4. In the above circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.12 of 2014, filed by the respondent husband, before the Sub Court, Poonamallee, to Sub



Court, Pudukkottai, to be tried along with HMOP.No.80 of 2014.

5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel and he did not file any counter affidavit.

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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. 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 the petitions viz., H.M.O.P.No.12 of 2014 and HMOP.No.80 of 2014, are to be tried together in the same Court. 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.12 of 2014, on the file of the Sub Court, Poonamallee, is hereby withdrawn and transferred to the file of the Sub Court, Pudukkottai, to be tried along with H.M.O.P.No.80 of 2014, if the same is not yet disposed of. The learned Sub Judge, Poonamallee, is directed to send the case bundles to the Sub Court, Pudukkottai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Sub-Ordinate Judge , Poonamallee.
2. The Sub-Ordinate Judge, Pudukkottai.

COPY TO: THE SECTION OFFICER, VERNACULAR RECORDS,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.D.RAMESHKUMAR, ADVOCATE, SR NO:39214
+1 CC TO MR.S.C.HEROLD SINGH, ADVOCATE, SR NO:39258

AM

JAM/18.8.15/2P-6C

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