



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.155 of 2014 and
M.P(MD)No.1 of 2014

Parameswari

... Petitioner

Vs

N.Govindaraj

... Respondent

Prayer:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.67 of 2014 on the file of the Sub Court, Devakottai and transfer it to the Principal Subordinate Court, Dindigul.

For Petitioner : Mr.J.Larance
For Respondent : Mr. J.Anandakumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.67 of 2014 on the file of the Sub Court, Devakottai and transfer it to the Principal Subordinate Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.08.2007. A female child was born in the wedlock. Due to cruelty by the respondent, she left the matrimonial home. The respondent filed H.M.O.P.No.77 of 2010 before the Sub Court, Devakottai for Restitution of Conjugal Rights. The said HMOP listed before the Lok Adalat and both the petitioner and the respondent agreed to live together. Subsequently, the respondent sent the petitioner and her child from the matrimonial home. The petitioner filed H.M.O.P.No.66 of 2011 before the Principal Sub Court, Dindigul for divorce on the ground of cruelty. The respondent also appearing regularly through his counsel before the Principal Sub Court, Dindigul. While so, the respondent filed H.M.O.P.No.67 of 2014 before the Sub Court, Devakottai for dissolution of marriage.

3. Now, the petitioner is residing at Dindigul along with her parents and the distance between the Devakottai and Dindigul is 200 kms and it is very difficult for her to travel each and every hearing to attend H.M.O.P.No.67 of 2014, before the Sub Court, Devakottai. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In such circumstances, the petitioner filed this petition to



transfer the aforesaid HMOP No.67 of 2014, filed by the respondent husband, before the Sub Court, Devakottai, to Principal Subordinate Court, Dindigul, to be tried along with HMOP.No.66 of 2011.

5. Heard the learned counsel appearing for parties.

WEB COPY

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. 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 in H.M.O.P.No.66 of 2011 and H.M.O.P.No.67 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.67 of 2014, on the file of the Sub Court, Devakottai, is hereby withdrawn and transferred to the file of the Principal Sub Court, Dindigul, to be tried along with H.M.O.P.No.66 of 2011, if the same is not yet disposed of. The learned Sub Judge, Devakottai, is directed to send the case bundles to the Principal Sub Court, Dindigul, 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.

8. The HMOPs are of the year 2011 & 2014, the learned Principal Sub Judge, Dindigul is directed to dispose both the HMOP No.66 of 2011 and H.M.O.P.No.67 of 2014 as expeditiously as possible, in any event, not later than 31st December 2015.

Sd/-

Assistant Registrar(per.admin)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal Sub Court, Dindigul.
2. The Sub Court, Devakottai
3. The Section Officer, VR Section,
Madurai Bench of Madras High court, Madurai.

+1 CC TO MR.J.ANANDKUMAR, ADVOCATE, SR NO:39319

+1 CC TO MR.I.LAWRANCE, ADVOCATE, SR NO:39573

Tr.C.M.P (MD) No.155 of 2014 and
M.P (MD) No.1 of 2014

AM/JAM/06.8.15/2P-6C