



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.04.2015
CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.26 of 2014
and
M.P(MD)No.1 of 2014

N.Shyamala ... Petitioner

Vs.

S.Anandan ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the appeal of the respondent in C.M.A.No.15 of 2013 pending on the file of the District Judge, Karur and transfer the same to the file of the District Judge, Tirunelveli.

For Petitioner : Mr.S.Siva Ilayaraja

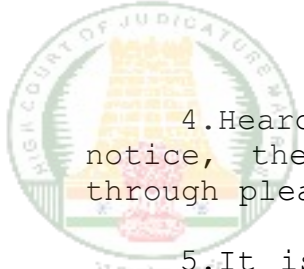
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the appeal of the respondent in C.M.A.No.15 of 2013 pending on the file of the District Judge, Karur and transfer the same to the file of the District Judge, Tirunelveli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 07.03.2007. The respondent/husband filed H.M.O.P.No.78 of 2011 before the Sub Court, Karur for divorce U/s.13(1)(ia), 13(1)(i-b) of Hindu Marriage Act. The learned Sub Judge, Karur after considering all the materials on record and evidence dismissed the H.M.O.P.No.78 of 2011 on 16.07.2013. After dismissal of the H.M.O.P., the petitioner made repeated attempts to resume matrimonial life with the respondent. The respondent did not come forward to live with the petitioner. Therefore, she filed H.M.O.P.No.226 of 2013 for restitution of conjugal rights under Section 9 of Hindu Marriage Act before the Sub Court, Tirunelveli under Section 9 of Hindu Marriage Act. While H.M.O.P.No.226 of 2013 is pending, the respondent filed C.M.A.No.15 of 2013 against the order dated 16.07.2013 made in H.M.O.P.No.78 of 2011 before the District Judge, Karur and the same is pending. She is finding it very difficult to travel such a long distance from Tirunelveli to Karur. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Tirunelveli.

3. Now, the petitioner/wife filed this petition to transfer the aforesaid C.M.A.No.15 of 2013 filed by the respondent/Husband before the District Judge, Karur to the District Court, Tirunelveli and try along with H.M.O.P.No.226 of 2013.



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

5. It is well settled law that whenever, the transfer application 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.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and C.M.A.No.15 of 2013 on the file of the District Judge, Karur is hereby withdrawn and transferred to the file of the District Court, Tirunelveli, if the same is not yet disposed of. The learned District Judge, Karur is directed to send the case bundles to the Court of the District Court, Tirunelveli, 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(RTI)

\\True copy\\

Sub Assistant Registrar

To

1.The District Judge, Karur.

2.The District Court, Tirunelveli.

Copy to : The section Officer, VR section Madurai Bench of Madras High Court, Madurai

+1cc to MR.S.SIVA ILAYARAJA, ADVOCATE SR.NO.17837

Tr.C.M.P. (MD)No.26 of 2014

AM

NA/28/04/2015/P2/5C