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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.265 of 2014 and

M.P.(MD).No. 1 of 2014

Muthu @ Muthulakshmi

: Petitioner

Vs.

Ramesh

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.43 of 2014 pending on the file of Sub-Court, Pattukkottai to Sub Court, Pudukkottai.

For Petitioner : Mr. A.K. Manickam
For Respondent : No appearance

O R D E R

The petitioner, who is the respondent in HMOP.No.43 of 2014 filed this petition, to transfer HMOP.No.43 of 2014, from the file of Sub Court, Pattukkottai, to Sub Court, Pudukkottai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.02.2006. Two female children were born in the wedlock. According to the petitioner, in the matrimonial home she was treated as a slave and was tortured by the respondent and his family members. Therefore, she gave a complaint to the All Women Police Station, Aranthangi and the same is pending for enquiry. The petitioner filed M.C.No.23 of 2014, on the file of learned Judicial Magistrate, Aranthangi, claiming maintenance. Thereafter, the respondent filed HMOP.No.43 of 2014, before the Sub-Court, Pattukkottai, for divorce.

3. Now, the petitioner is staying with her parents at Aranthangi. The distance between Aranthangi and Pattukkottai is approximately 75 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.43 of 2014, on the file of Sub Court, Pattukkottai. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.43 of 2014, from the file of Sub Court, Pattukkottai to Sub Court, Pudukkottai.

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

5. 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 H.M.O.P.No.43 of 2014 and M.C.No.23 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.

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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.43 of 2013 on the file of the Sub-Court, Pattukkottai and MC.No.23 of 2014 on the file of the learned Judicial Magistrate, Aranthangi are hereby withdrawn and transferred to the file of the Sub Court, Pudukottai. The learned Subordinate Judge, Pattukkottai as well as the learned Judicial Magistrate, Aranthangi are directed to send the case bundles to the Sub Cout, 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(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Pattukkottai.
2. The Subordinate Judge, Pudukkottai.
3. The Judicial Magistrate Judge, Aranthangi.

Copy to:

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

+lcc to Mr.A.K.Manickam,Advocate SR.No.33437

Tr.C.M.P. (MD) .No.265 of 2014 and
M.P. (MD) .No. 1 of 2014
24.06.2015

trp

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