



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

Gandhimathi

... Petitioner

Vs.

Chinnasamy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of Civil Procedure Code to withdraw the case on the file of the Learned Sub-Judge, Neyveli in H.M.O.P.No.53 of 2013 and transfer the same to the learned Sub-Judge, Pudukkottai and try along with the H.M.O.P.No.10 of 2014.

For Petitioner : Mr.D.Rameshkumar

For Respondent : No appearance

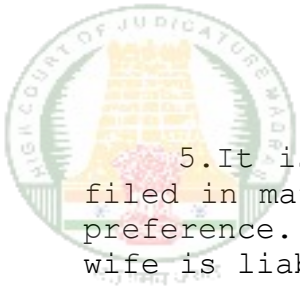
**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Learned Sub-Judge, Neyveli in H.M.O.P.No.53 of 2013 and transfer the same to the learned Sub-Judge, Pudukkottai and try along with the H.M.O.P.No.10 of 2014.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 10.02.1993. Due to mental, physical torture by the respondent herein, the petitioner was forced to leave the matrimonial home with two daughters and staying with her parents' at Pudukkottai. She filed H.M.O.P.No.10 of 2014 before the Subordinate Judge, Pudukkottai for restitution of conjugal rights. The respondent/husband filed H.M.O.P.No.53 of 2013 before the Sub Judge, Neyveli for divorce. The petitioner is not having any independent income and she is depending upon her parents to attend the hearing at Neyveli. She is finding it very difficult to travel such a long distance from Pudukkottai to Neyveli along with her two daughters. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Pudukkottai.

3. Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.53 of 2013 filed by the respondent/Husband before the Sub Judge, Neyveli to the Sub Judge, Pudukkottai and try along with H.M.O.P.No.10 of 2014.

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 H.M.O.P.No.53 of 2013 on the file of the Sub Judge, Neyveli is hereby withdrawn and transferred to the file of the Sub Judge, Pudukkottai to be tried along with H.M.O.P.No.10 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned Sub Judge, Neyveli is directed to send the case bundles to the Court of the Sub Judge, Pudukottai, 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(T & P)

\\True copy\\

Sub Assistant Registrar

To

1.The Subordinate Judge, Neyveli

2.The Subo Judge,Pudukottai.

3.The Section Officer, VR section

Madurai Bench of Madras High Court Madurai.

+1cc to MR.D.RAMESH KUMAR, ADVOCATE SR.NO.17904

Tr.C.M.P.(MD)No.28 of 2014 and

M.P(MD)No.1 of 2014

AM

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