



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.344 of 2014 and
M.P(MD)No.1 of 2014

Sethukkarasi @ Keerthi

... Petitioner

Vs.

Manickkam @ Venkat

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP.No.281 of 2014 on the file of Sub Court, Poonamalee to be tried along with HMOP.No.836 of 2014, on the file of the Family Court, Trichy.

For Petitioner : Mr.R. Aravind Raj
For Respondent : Mr. D. Rameshkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No.281 of 2014, on the file of Sub Court, Poonamalee, to Family Court, Trichy, to be tried along with HMOP.No.836 of 2014, on the file of the Family Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.11.2012, as per Hindu Rites and Customs. A male child was born on 26.10.2013, in the wedlock. After marriage, both were living together in matrimonial home at Chennai. While so, the respondent and his family members, demanded more dowry and the petitioner was sent out from matrimonial home, without any reason. The respondent filed HMOP.No.281 of 2014, on the file of Sub-Court, Poonamalee, for divorce. Thereafter, the petitioner filed HMOP.No.836 of 2014, on the file of Family Court, Trichy, for restitution of conjugal rights.

3. Now, the petitioner is residing at Trichy with her parents along with minor son. According to the petitioner, the distance between Trichy and Poonamalee, is approximately 350 Kms and it is very difficult for her to travel each and every hearing, along with minor son, to attend H.M.O.P.No.281 of 2014, before the Sub Court, Poonamalee. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses including the travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMOP.No.281 of 2014, on the file of Sub Court, Poonamalee, to Family Court, Trichy, to be tried along with HMOP.No.836 of 2014, on the file of the Family Court, Trichy.

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

5. Heard the learned counsel appearing for the parties. The matter was posted before Mediation Centre. By the proceedings dated 24.02.2015,



Mediation and Conciliation Centre filed report stating that the Mediation could not succeed. Even after that, the respondent did not file counter.

6. It is well settled 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.281 of 2014 and HMOP.No.836 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.281 of 2014, on the file of Sub Court, Poonamalee, is hereby withdrawn and transferred to the file of Family Court, Trichy, to be tried along with H.M.O.P.No.836 of 2014, filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Poonamalee, is directed to send the case bundles to the Family Court, Trichy, 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.

Trp

Sd/-

Assistant Registrar[Writs]

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Poonamalee.

2. The Judge, Family Court, Trichy.

Copy to: The section Officer VR section,

Madurai Bench of Madras High court, Madurai

Tr.C.M.P(MD)No.344 of 2014 and
M.P(MD)No.1 of 2014

Dated:09.07.2015

2P/4C

PRB/KBM/SAR-I