



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.06.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.346 of 2014 and
M.P(MD)No.1 of 2014

A.Tamilselvi

... Petitioner

Vs.

A.Murugesan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.28 of 2013 from the file of the Sub-Court, Karur and transfer the same to Family Court, Trichy to try along with H.M.O.P.No.823 of 2014.

For Petitioner : Mr.A.Chandra Sekar

For Respondent : No appearance

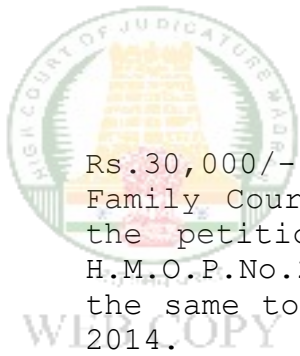
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.28 of 2013 from the file of the Sub-Court, Karur and transfer the same to the Family Court, Trichy to try along with H.M.O.P.No.823 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 17.06.2010, as per Hindu Rites and Customs.

3.The case of the petitioner is that the petitioner was sent out from the matrimonial house for demanding more dowry. The petitioner is residing with her parents at Trichy. Subsequently, her parents have taken sincere efforts for the re-union between the petitioner and the respondent, but the respondent refused for re-union. Since, the petitioner went to Malaysia for some time, having knowledge of that, the respondent had filed a petition for restitution of conjugal rights in H.M.O.P.No.109 of 2012. The said H.M.O.P was decreed on 11.10.2012. Without executing the decree passed in H.M.O.P.No.109 of 2012, the respondent has filed again H.M.O.P.No.28 of 2013 before the Sub-Court, Karur for divorce. After receiving the notice in H.M.O.P, the petitioner appeared before the Sub-Court, Karur and took time for filing counter. The petitioner filed H.M.O.P.No.823 of 2014 before the Family Court, Trichy for restitution of Conjugal rights. After receiving notice from the Family Court, Trichy, the respondent entered appearance and took time for filing counter.

4.According to the petitioner, it is very difficult for her to attend the Sub-Court, Karur for each and every hearing. The petitioner is depending on her parents for day to day expenses including travel expenses. The respondent is employed in M/s. Steel Factory and earning



Rs.30,000/- per month and he is appearing for every hearing before the Family Court, Trichy in H.M.O.P.No.823 of 2014. In such circumstances, the petitioner has come out with the present petition to withdraw H.M.O.P.No.28 of 2013 from the file of the Sub-Court, Karur and transfer the same to the Family Court, Trichy to try along with H.M.O.P.No.823 of 2014.

5.Despite the notice being served on the respondent, he has not chosen to appear either in person or through counsel.

6.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.

7.Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.28 of 2013 on the file of the Sub-Court, Karur is hereby withdrawn and transferred to the file of the Family Court, Trichy to be tried along with H.M.O.P. No.823 of 2014 filed by the petitioner, if the same is not yet disposed of, the Sub-Court, Karur 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 M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge,Karur.
- 2.The Judge,Family Court,Trichy.

Copy to:

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

+1cc to Mr.A.Chandrakumar,Advocate SR.No.28066

Tr.C.M.P(MD)No.346 of 2014 and
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04.06.2015

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