



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.395 of 2014 and

M.P(MD)No.1 of 2014

Dr. V.Shanmuga Priya

... Petitioner

Vs.

Dr. M. Alagappasamy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.40 of 2013 from the file of the Sub Court, Pollachi to the Sub Court, Palani.

For Petitioner : Mr.R. Jegadeeswaran

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the HMOP.No.40 of 2013 from the file of the Sub Court, Pollachi to the Sub Court, Palani.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.01.2012, as per Hindu Rites and Customs. Due to misunderstanding between the petitioner and respondent, the respondent filed HMOP.No.40 of 2013 on the file of the Sub Court, Pollachi, for divorce. The petitioner filed HMOP.No.82 of 2014, before the Sub Court, Palani, for restitution of conjugal rights.

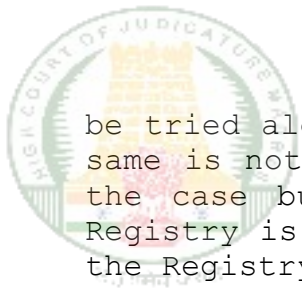
3. Now, the petitioner is staying along with her parents at Palani. According to the petitioner, it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.40 of 2013, before the Sub Court, Pollachi.

4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.40 of 2013 filed by the respondent/husband before the Sub Court, Pollachi, to the Sub Court, Palani.

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

6. 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.40 of 2013 and HMOP.No.82 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.40 of 2013 on the file of the Sub Court, Pollachi is hereby withdrawn and transferred to the file of the Sub Court, Palani to



be tried along with H.M.O.P.No.82 of 2014 filed by the petitioner, if the same is not yet disposed of. The Sub Court, Pollachi is directed to send the case bundles to the Additional Sub Court, Palani 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.

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/True copy/

Sd/-

The Assistant Registrar(writs)

Sub-Assistant Registrar

To

1. The Sub Judge, Pollachi
2. The Sub Judge, Palani

Copy to: The Section Officer,
VR Section,
Madurai Bench of Madras High court, Madurai.

+1cc to M/s.R.Jegadeeswaran, Advocate SR.NO.28786

Trp

Sm:23.06.2015:2P/5C

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