



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)Nos.405 & 406 of 2014

and

M.P(MD)Nos.1 & 1 of 2014

K.Mekala ... Petitioner in both the Tr.CMP

Vs.

R.Aravindh ... Respondent in both the Tr.CMP

Prayer in both the Tr.CMP:- Transfer Civil Miscellaneous
Petition is filed under Section 24 of Civil Procedure Code to
withdraw the petition in HMOP No.51 of 2014 on the file of the
Hon'ble Principal Subordinate Court, Tenkasi and G.W.O.P.No.98 of
2014 on the file of the District Court, Tirunelveli and transfer
the same to the District Court, Coimbatore.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : Mr.Ananth.C.Rajesh

COMMON ORDER

Since the issue involved in both the petitions are one and the
same and the parties are one and the same, they were heard
together and disposed of by this common order.

2.The Transfer Civil Miscellaneous Petitions are filed to
withdraw and transfer HMOP No.51 of 2014 on the file of the
Principal Subordinate Court, Tenkasi and G.W.O.P.No.98 of 2014 on
the file of the District Court, Tirunelveli to the District Court,
Coimbatore.

3. In both the Tr.CMPs, the petitioner is the wife and the
respondent is the husband. The marriage between the petitioner and
the respondent was solemnized on 21.09.2005, as per Hindu Rites
and Customs. A male child was born on 20.03.2007, in the wedlock.
After the birth of the child, the respondent quarreled and
separated from the petitioner. In December, 2010, without
informing the petitioner, the respondent took their son and went
to his home Town at Tenkasi. Now, the child is with respondent.

4. The petitioner is residing with her aged parents. She is
not having any independent income. The distance between
Tirunelveli and Coimbatore is about 400 kms and it will take 8
hours to reach Tirunelveli. The petitioner is not having any
support and not having any independent income for her day today
services, <https://hcservices.gov.in/hcservices/> travelling expenses. She has also stated that
it will not be difficult for the respondent/husband to attend the
hearing at Coimbatore.



5. According to the petitioner, the respondent filed H.M.O.P.No.51 of 2014 before the Principal Sub Court, Tenkasi, for divorce and GWOP No.98 of 2014 before the District Court, Tirunelveli, for custody of the child. The petitioner filed DVA No.35 of 2014 before the learned Judicial Magistrate Court No.VII, Coimbatore. The respondent is already appearing for the case in DVA No.35 of 2014 before the learned Judicial Magistrate No.II, Coimbatore, and hence, it will not be difficult for the respondent to appear before the District Court, Coimbatore, if the case is transferred to Coimbatore.

6. In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.51 of 2014 and GWOP No.98 of 2014 filed by the respondent/Husband before the Principal Sub Court, Tenkasi and District Court, Tirunelveli, to the District Court, Coimbatore.

7. Heard the learned counsel for the petitioner. The respondent entered appearance through Advocate and he did not file any counter. The learned counsel for the respondent represented that it will not be difficult for the petitioner to attend the case in the Principal Sub Court, Tenkasi, and District Court, Tirunelveli, Since there is no necessity for the petitioner to attend each and every hearing and therefore, prayed for dismissal of the Tr.C.M.Ps.,

8. 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 petitions filed by the wife is liable to be allowed.

9. Accordingly, this Transfer Civil Miscellaneous Petition is ordered and HMOP.No.51 of 2014 on the file of the Principal Subordinate Court, Tenkasi and G.W.O.P.No.98 of 2014 on the file of the District Court, Tirunelveli, are hereby withdrawn and transferred to the file of the District Court, Coimbatore, to be tried together. The learned Principal Subordinate Judge, Tenkasi and the learned District Judge, Tirunelveli, are directed to send the case bundles in HMOPNo.51 of 2014 and G.W.O.P.No.98 of 2014 to the District Court, Coimbatore. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)Nos.1 & 1 of 2014 are closed.

10. The learned District Judge, Coimbatore, is directed to dispose H.M.O.P.No.51 of 2014 and G.W.O.P.No.98 of 2014, as expeditiously as possible.

Sd/-

Assistant Registrar(T&P)

/True copy/



1.The Principal Subordinate Court,
Tenkasi

2.The District Judge,
Tirunelveli.

3.The District Judge,
Coimbatore.

Copy to:

The Section Officer,

V.R.Section, Madurai Bench of Madras High Court, Madurai.

+2cc to Mr.I.Robert Chandrakumar, Advocate in Sr Nos.29203 & 209204

+1cc to Mr.Ananth C.Rajesh, Advocate in Sr No.29160

Tr.C.M.P. (MD) Nos.405 and 406 of 2014
09.06.2015

rg.30.06.2015

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