



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD).No.408 of 2014
and M.P. (MD).No. 1 of 2014

Bhuvaneswari : Petitioner

Vs.

Sureshkumar : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.155 of 2014 on the file of Principal Subordinate Court, Cuddalore to try along with HMOP.No.157 of 2014, on the file of Sub Court, Kulithalai filed by the petitioner.

For Petitioner : Mr. V. Illanchezian
For Respondent : Mr.M. Ponnaiah

O R D E R

This petitioner, who is the respondent in HMOP.No.155 of 2014, filed this petition to withdraw and transfer the case in HMOP.No.155 of 2014, on the file of Principal Subordinate Court, Cuddalore, to Subordinate Court, Kulithalai, to be tried along with HMOP.No. 157 of 2014.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.09.2012. A female child was born in the wedlock. Due to misunderstanding, the respondent filed HMOP.No.155 of 2014, on the file of Principal Subordinate Court, Cuddalore, for divorce. Thereafter, the petitioner filed HMOP.No.157 of 2014, on the file of Subordinate Court, Kulithalai, for restitution of conjugal rights.

3. Now, the petitioner is residing with her aged parents, along with minor child at Natchalur Village, Kulithalai Taluk, Karur District. The distance between Cuddalore and Karur is more than 250 Kilometers and it is very difficult for the petitioner to go to Cuddalore for each and every hearing to attend HMOP.No.155 of 2014, on the file of the Principal District Court, Cuddalore. There is no one to accompany the petitioner to go to Cuddalore. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses including travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.155 of 2014, from the file of Principal Subordinate Court, Cuddalore, to Subordinate Court, Kulithalai.

4. Heard the learned counsel appearing for the petitioner. The respondent entered appearance though counsel. He did not file any written statement. The learned counsel for the respondent submitted that the allegations made in Transfer CMP against the respondent are false.



5. The petitioner she is residing at Karur and it will be difficult for her to travel to attend each and every hearing at Cuddalore along with minor child. The reason given by the petitioner for transfer is valid one.

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 HMOP.No.155 of 2014 and HMOP.No.157 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 the HMOP.No.155 of 2014, pending on the file of Principal District Court, Cuddalore, is hereby withdrawn and transferred to the file of Subordinate Court, Kulithalai, to be tried together, if the same is not yet disposed of. The learned Principal Subordinate Judge, Cuddalore, is directed to send the case bundles to the Subordinate Court, Kulithalai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Cuddalore.
2. The Subordinate Judge, Kulithalai.

Copy to

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

+1cc to MR.M.PONNIAH, Advocate in SR.No. 41031

+1cc to MR.V.ILLANCHEZIAN, Advocate in SR.No. 40657

Trp

SR : 10.08.2015 : 2p/6c

Tr.C.M.P. (MD) .No.408 of 2014 and
M.P. (MD) .No. 1 of 2014
23.07.2015