



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.06.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P(MD)No.412 of 2014 and
M.P(MD)No.1 of 2014

K. Murugeswari

... Petitioner

Vs.

K. Anandan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.128 of 2014 from the file of the Sub Court, Aruppukottai, to Sub Court, Paramakudi.

For Petitioner : Mr. S. Jeyapriya
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.128 of 2014 from the file of the Sub Court, Aruppukottai, to Sub Court, Paramakudi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.07.2009, as per Hindu Rites and Customs. Due to misunderstanding between the petitioner and respondent, the petitioner left the matrimonial home and gave a complaint before the All Women Police Station, Aruppukottai, against the respondent and his family members. The respondent filed HMOP.No.128 of 2014, before the Sub Court, Aruppukottai, for divorce. Thereafter, the petitioner filed HMOP.No.81 of 2014, before the Sub Court, Paramakudi, for restitution of conjugal rights.

3. Now, the petitioner is residing with her parents at Paramakudi. According to the petitioner, the distance between Paramakudi and Aruppukottai is approximately 80 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.128 of 2014, before the Sub Court, Aruppukottai. Further, the petitioner is only depending on her parents for her day to day expenses including the travel expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the case in HMOP.No.128 of 2014 from the file of the Sub Court, Aruppukottai, to Sub Court, Paramakudi.

4. Heard the learned counsel for the petitioner. Notice sent to the respondent returned with an endorsement "Left India". Thereafter, the petitioner was permitted to serve notice on the counsel, who is appearing for the respondent before the Trial Court and the same has been served. Though the name of the respondent is printed in the cause list, he has not chosen to appear either in person or through counsel.



5. 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.128 of 2014 and HMOP.No.81 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.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.128 of 2014 on the file of the Sub Court, Aruppukkottai, is hereby withdrawn and transferred to the file of the Sub Court, Paramakudi, to be tried along with H.M.O.P.No.81 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Aruppukkottai is directed to send the case bundles to the Sub Court, Paramakudi, 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.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Sub Judge, Paramakudi
- 2.The Sub Judge, Aruppukkottai

Copy to:

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

+1cc to M/s.S.Jeya Priya,Advocate SR.No.34724

Tr.C.M.P(MD)No.412 of 2014 and
M.P(MD)No.1 of 2014
30.06.2015

trp

PA/PRV/20.07.2015/2P/5C