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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.439 of 2014 and

M.P.(MD).No. 1 of 2014

Muthulakshmi : Petitioner

Vs.

Moorthy : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the petition in HMOP.No.76 of 2014 on the file of the Sub Court, Sivagangai and transfer the same to the Sub Court, Dindigul.

For Petitioner : Mr. G. Gomathi Sankar

For Respondent : Mr. R. Anand

ORDER

This petitioner, who is the respondent in HMOP.No.76 of 2014 filed this petition, to transfer HMOP.No.76 of 2014 from the file of the Sub Court, Sivagangai, to Sub Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 26.06.2013. After the marriage, the respondent and his family members tortured the petitioner and demanded dowry. The petitioner made complaint, before the All Women Police Station, Dindigul, on 20.09.2014 and the same was registered against the respondent and his mother, sister and brother, under Sections 294(b), 498(A), 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act and the same is pending. The petitioner filed HMOP.No.341 of 2014, before the Family Court, Dindigul, for restitution of conjugal rights. The respondent filed HMOP.No.76 of 2014, before the Sub Court, Sivagangai for dissolution of marriage.

3. Now, the petitioner is staying with her aged mother and un-married sister. Her mother is aged about 65 years and she cannot do any work. The distance between Sivagangai and Dindigul is approximately 100 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.76 of 2014, before the Sub Court, Sivagangai. Further, she is not having any independent income. The petitioner is only depending on her un-married sister for her day-to-day expenses, including the travel expenses. There is no one to accompany her to attend each and every hearing at Sivagangai. The respondent threatened the petitioner with dire consequences. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.76 of 2014, from the file of the Sub Court, Sivagangai, to the Sub Court, Dindigul.

<https://hcservices.courts.gov.in/hcservices> The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner, to attend



hearing at Sub Court, Sivagangai and he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties.

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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.76 of 2014 and HMOP.No.341 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.76 of 2014 on the file of the Sub Court, Sivagangai, is hereby withdrawn and transferred to the file of the Family Court, Dindigul, to be tried along with H.M.O.P.No.341 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Sivganganai, is directed to send the case bundles to the Family Court, Dindigul, 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(Writs)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Sivagangai
2. The Judge, Family Court, Dindigul.

Copy to:

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Gomathi Sankar, Advocate SR.No.30072

Tr.C.M.P. (MD) .No.439 of 2014 and
M.P. (MD) .No. 1 of 2014
11.06.2015

trp

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