



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.46 of 2014

and

M.P (MD) No.1 of 2014

Sivabakiyam @ Anandhi

... Petitioner

Vs.

S.Kishor Kumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the Sub Court, Trichy in H.M.O.P.No.484 of 2010 and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.R.Venkatesan

For Respondent : No appearance

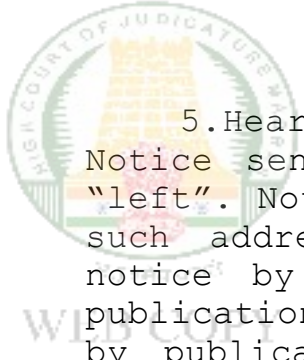
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the HMOP.No.484 of 2010, from the file of the Sub Court, Trichy to Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.03.2005. One male child was born in the wedlock. After marriage, both the petitioner and respondent were residing together with the parents of the respondent. On the instigation of his parents, he quarreled with the petitioner and sent the petitioner from the matrimonial home.

3. Now, the petitioner is staying at Madurai along with her parents. The respondent has filed H.M.O.P.No.484 of 2010 before the Sub Court, Trichy. The petitioner filed H.M.O.P.No.616 of 2014 and M.C.No.8 of 2013 before the Family Court, Madurai. According to the petitioner, the distance between Madurai and Trichy, is 100 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.484 of 2010, before the Sub Court, Trichy. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.484 of 2010, filed by the respondent husband, before the Sub Court, Trichy, to Family Court, Madurai. The petitioner also filed a petition (M.C.No.8 of 2013) tried along with HMOP.No.616 of 2010 and M.C.No.8 of 2013, on the file of the Family Court, Madurai.



5. Heard the learned counsel appearing for the petitioner. Notice sent to the respondent was returned with an endorsement "left". Notice sent privately was returned with an endorsement "no such addressee". This Court permitted the petitioner to take notice by paper publication. The petitioner has effected the publication in Dina Thanthi news paper. Despite service of notice by publication and his name printed in the cause list, the respondent has not chosen to appear either in person or through pleader.

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, all the petitions viz., H.M.O.P.No.484 of 2010, HMOP.No.616 of 2010 and M.C.No.8 of 2013, 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.484 of 2010, on the file of the Sub Court, Trichy, is hereby withdrawn and transferred to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.616 of 2010 and M.C.No.8 of 2013 filed by the petitioner, if the same is not yet disposed of. The learned Sub Judge, Trichy, is directed to send the case bundles to the Family Court, Madurai, 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, Trichy.
2. The Judge Family Court, Madurai.

+1 CC TO M/S. RIGHT LAW ASSOCIATES, ADVOCATE IN CC SR NO.34261
+1 CC TO SECTION OFFICER, VR SECTION

am

te:27/07/2015:2p/5c

<https://hcservices.ecourts.gov.in/hcservices/>

Tr.C.M.P (MD) No.46 of 2014
26.6.2015