



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 12.06.2015  
CORAM  
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.467 of 2014 and  
M.P (MD) No.1 of 2014

Indhirani

... Petitioner

Vs.

R. Soundaraganapathy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP.No.464 of 2014 on the file Principal Sub Court, Thiruchirapalli and to transfer the same to the Chief Judicial Magistrate Court, Ramanathapuram with direction to conduct the joint trial along with M.C.No.45 of 2014 pending disposal of the Chief Judicial Magistrate Court, Ramanathapuram.

For Petitioner : Mr.M. Hassanul Bazari

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No. 464 of 2014 from the file of the Principal Sub Court, Thiruchirapalli, to Chief Judicial Magistrate Court, Ramanathapuram to be tried along with M.C.No.45 of 2014, pending on the file of Chief Judicial Magistrate Court, Ramanathapuram.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.05.2013, as per Hindu Rites and Customs. The respondent is working as Junior Assistant in REBCO Bank. The respondent and his family members tortured the petitioner by demanding dowry. They did not allow the petitioner to live in matrimonial home and sent out from matrimonial home. The petitioner filed M.C.No.45 of 2014, on the file of the Chief Judicial Magistrate Court, Ramanathapuram, claiming maintenance. After receiving notice in M.C.No.45 of 2014, the respondent filed HMOP.No.464 of 2014, on the file of the Principal Sub Court, Thiruchirapalli, for divorce.

3. Now, the petitioner is staying along with her parents at Ramanathapuram. The petitioner stated that the distance between Ramanathapuram and Trichy, is 200 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.464 of 2014, before the Principal Sub Court, Thiruchirapalli. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.464 of 2014, filed by the respondent, from the Principal Sub Court, Thiruchirapalli, to the Chief Judicial Magistrate Court, Ramanathapuram.

5. Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.



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.464 of 2014 and M.C.No.45 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.464 of 2014, on the file of the Principal Sub Court, Thiruchirapalli, and M.C.No.45 of 2014, pending before the Chief Judicial Magistrate Court, Ramanathapuram, are hereby withdrawn and transferred to the file of the Sub Court, Ramanathapuram to be tried together. The learned Principal Subordinate Judge, Thiruchirapalli, is directed to send the case bundles to the transferee Court, within a week from the date of receipt of a copy of this order. 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/-

The Assistant Registrar(AS)

/True copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate, Ramanathapuram.
2. The Chief Judicial Magistrate, Ramanathapuram.
3. The Principal Subordinate Judge, Thiruchirapalli.
4. The Subordinate Judge, Ramanathapuram

+1cc to Mr.J.M.Hassanul Bazari, Advocate SR.No.30531

Copy to:-The section officer, ER.Section,  
Madurai Bench of Madras High court, Madurai.

trp

Sm:30.06.2015:2P/7C

Tr.C.M.P(MD)No.467 of 2014 and M.P(MD)No.1 of 2014