



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.6 of 2014
and
M.P(MD)No.1 of 2014

B.Manimala

... Petitioner/Respondent

Vs.

J.Muthu @ Muthukrishnan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the Learned Subordinate Judge, Thiruchencode in H.M.O.P.No.14 of 2013 and transfer the same to the Family Court, Madurai along with H.M.O.P.No.128 of 2013.

For Petitioner : Mr.K.Seemaraj
For Respondent : No appearance

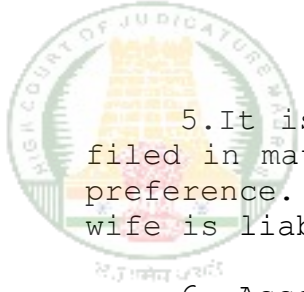
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Learned Subordinate Judge, Thiruchencode in H.M.O.P.No.14 of 2013 and transfer the same to the Family Court, Madurai along with H.M.O.P.No.128 of 2013.

2. The petitioner herein is the wife and the respondent is the husband. The petitioner and the respondent got married on 31.08.2011. Due to torture by the respondent and his relatives, the petitioner left the matrimonial home and staying with her parents' house at Madurai. The respondent/husband filed H.M.O.P.No.14 of 2013 before the Subordinate Judge, Thiruchencode for dissolution of marriage. The petitioner/wife filed H.M.O.P.No.128 of 2013 before the Family Court,, Madurai for Restitution of Conjugal Rights. Both the H.M.O.Ps are pending. She is finding it very difficult to travel such a long distance from Madurai to Thiruchencode. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Madurai.

3.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.14 of 2013 filed by the respondent/Husband before the Subordinate Judge, Thiruchencode to the Family Court, Madurai to be tried along with H.M.O.P.No.128 of 2013.

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



5.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference. 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.14 of 2013 on the file of the Subordinate Judge, Thiruchencode is hereby withdrawn and transferred to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.128 of 2013 filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Thiruchencode is directed to send the case bundles to the Court of the Family Court, Madurai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar (Per Admn)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Thiruchencode

2.The Judge Family Court, Madurai.

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

Am

SR : 29.04.2015 : 2p/4c

Tr.C.M.P. (MD)No.6 of 2014
& MP (MD)No.1 of 2014
09.04.2015