



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI
TR.C.M.P.(MD) No.101 of 2015 and
M.P.(MD).No.1 of 2015

WEB COPY

R. Uma Subalakshmi : Petitioner/Respondent
Vs.

R. Pandian : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.206 of 2014, on the file of Subordinate Court, Coimbatore, to Family Court, Madurai to try along with HMOP.No.128 of 2015.

For Petitioner : Mr.A. Pushpanathan
For Respondent : Mr. K. Gurunathan
Mr. G. Thalaimutharasu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.206 of 2014, on the file of Subordinate Court, Coimbatore, to Family Court, Madurai to be tried along with HMOP.No.128 of 2015.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.11.2012. Due to misunderstanding, between the petitioner and respondent, the petitioner was sent out from matrimonial home. The respondent filed HMOP.No.206 of 2014, on the file of Sub Court, Coimbatore, for divorce. Thereafter, the petitioner filed HMOP.No.128 of 2015, on the file of Family Court, Madurai, for restitution of conjugal rights.

3. Now, the petitioner is residing at Madurai along with father aged about 82 years. According to the petitioner, the distance between Coimbatore and Madurai, is more than 250 Kms and it is very difficult for her to travel each and every hearing, to attend HMOP.No.206 of 2014, on the file of Sub Court, Coimbatore. There is no one accompany her to go to Coimbatore to attend HMOP.No.206 of 2014, on the file of Sub Court, Coimbatore. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses including the travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMOP.No.206 of 2014, on the file of Sub Court, Coimbatore, to Family Court, Madurai, to be tried along with HMOP.No.128 of 2015, on the file of the Family Court, Madurai.



5. Heard the learned counsel appearing for the parties. The respondent entered appearance through counsel. He did not file any counter.

6. It is well settled 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.206 of 2014 and HMOP.No.128 of 2015 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.206 of 2014, on the file of Sub Court, Coimbatore, is hereby withdrawn and transferred to the file of Family Court, Madurai, to be tried along with H.M.O.P.No.128 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Coimbatore, is directed to send the case bundles to 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Family Court, Madurai
2. The Sub Court, Coimbatore
3. The Section Officer,

VR Section

Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.A.PUSHPANATHAN, ADVOCATE SR NO.40086

TRP

TE:12/08/2015 : 2P/5C

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