



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.105 of 2015 and
M.P(MD).No.1 of 2015

A. Christy Jeeva Mercy ... Petitioner
Vs.

P. Karthik ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw HMO.P.No.38 of 2015 from the file of Sub Court, Sivakasi, and transfer the same to Family Court, Madurai to be tried along with HMOP.No.200 of 2015.

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

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw HMO.P.No.38 of 2015 from the file of Sub Court, Sivakasi, and transfer the same to Family Court, Madurai, to be tried along with HMOP.No.200 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 17.05.2010, as per Hindu Rites and Customs. After marriage, both were living happily together in the matrimonial home. Due to mis-understanding, the petitioner left the matrimonial home and gave complaint, before the All Women Police Station, Samanathapuram. Immediately, to avoid criminal proceedings, the respondent filed HMOP.No.38 of 2015, before the Sub Court, Sivakasi, for divorce. Subsequently, the petitioner filed H.M.O.P.No.200 of 2015, on the file of Family Court, Madurai, for restitution of conjugal rights.

3. Now, the petitioner is residing at Madurai and working as a Nurse at TVS Hospital, Madurai. The petitioner is attending 24 x 7 call duty and emergency work in the hospital. Therefore, it is very difficult for her to take leave for attending the case before the Sub Court, Sivakasi. The distance between Madurai and Sivaksi is about 90 Kms and it is very difficult for her to attend each and every hearing at Sivaksai.

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

4. In such circumstances, the petitioner filed this petition to



transfer HMO.P.No.38 of 2015 from the file of Sub Court, Sivakasi, to Family Court, Madurai to be tried along with HMOP.No.200 of 2015, pending on the file of Family Court, Madurai.

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. Heard the learned counsel appearing for both parties.

7. 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.38 of 2015 and HMP.No.200 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.38 of 2015, on the file of the Sub Court, Sivakasi, is hereby withdrawn and transferred to the file of Family Court, Madurai, to be tried along with HMOP.No.200 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Sivakasi, 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(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Sub Court, Sivakasi
2. The Family Court, Madurai.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 C.C.to M/s.I.Suthakaran, Advocate, (CC SR NO.35549)

trp

SH:29.07.2015:P2/5C

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