



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)Nos. 113, 125 and 157 of 2015 and
M.P.(MD).No.1 of 2015 in all Transfer C.M.Ps.

V. Dhineshkumar

... Petitioner in
Tr.C.M.P.(MD).Nos.113 & 125/15
...Respondent in
Tr.C.M.P.(MD).No.157/15

Vs.

N. Kiruthika

... Respondent in
Tr.C.M.P.(MD).Nos.113 & 125/15
... Petitioner in
Tr.C.M.P.(MD).No.157/15

Prayer in Tr.C.M.P.(MD).No.113 of 2015 : The petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer M.C.No.21 of 2015 on the file of the Family Court, Thiruchirapalli to Sub Court, Tambaram and try along with HMOP.No.521 of 2014 on the file of Sub Court, Tambaram.

Prayer in Tr.C.M.P.(MD).No.125 of 2015 : The petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer HMOP.No.57 of 2015 on the file of the Family Court, Thiruchirapalli to Sub Court, Tambaram and try along with HMOP.No.521 of 2014 on the file of the Sub Court, Tambaram.

Prayer in Tr.C.M.P.(MD).No.157 of 2015 : The petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer HMOP.No.521 of 2014 on the file of the Sub Court, Tambaram to Family Court, Thiruchirapalli to be tried along with HMOP.No.57 of 2015 and M.C.No.21 of 2015.

For Petitioner in Tr.C.M.P.(MD).Nos.113 & 125/15 and

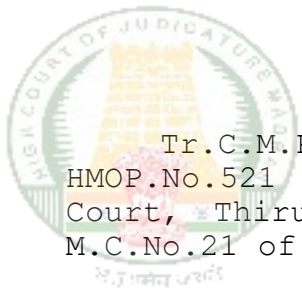
Respondent in Tr.C.M.P.(MD).No.157/15 : Mr.S.M. Mohan Gandhi

For Respondent in Tr.C.M.P.(MD).Nos.113 & 125/15 and

Petitioner in Tr.C.M.P.(MD).No.157/15 : Mr. T. Lenin kumar

COMMON ORDER

<https://hcservices.ecourts.gov.in/hcservices/>
Tr.C.M.P.(MD).Nos.113 and 125 of 2015 are filed by husband to withdraw and transfer M.C.No.21 of 2015 and HMOP.No.57 of 2015 respectively, on the file of the Family Court, Thiruchirapalli, to Sub Court, Tambaram, to be tried along with HMOP.No.521 of 2014, on the file of Sub Court, Tambaram.



Tr.C.M.P.(MD).No.157 of 2015 is filed by wife to withdraw and transfer HMOP.No.521 of 2014, on the file of the Sub Court, Tambaram to Family Court, Thiruchirapalli to be tried along with HMOP.No.57 of 2015 and M.C.No.21 of 2015, on the file of the Family Court, Thiruchirapalli.

2. Both the parties and issues are one and the same. Hence, both the petitions are taken up together and disposed of, by this common order.

3. For the sake of convenience, the wife is referred to as the "petitioner" and the husband is referred to as the "respondent".

4. The marriage between the petitioner and the respondent was solemnized on 02.08.2012, as per Hindu Rites and Customs. Due to misunderstanding between the petitioner and respondent, the petitioner was sent out from the matrimonial home. The respondent filed HMOP.No.521 of 2014, before the Sub-Court, Tambaram, for divorce. According to the respondent, his wife is working as Software Engineer in Magna Infotech Limited at Chennai, and therefore, he filed HMOP.No.521 of 2014, before the Sub-Court, Tambaram. Further, the petitioner / wife filed MC.No.21 of 2015, claiming maintenance, before the Family Court, Trichy. She has also filed HMOP.No.57 of 2015, before the Family Court, Trichy, for Restitution of conjugal rights. Therefore, the respondent filed Tr.C.M.P.(MD).Nos.113 and 125 of 2015 to withdraw and transfer M.C.No.21 of 2015 and HMOP.No.57 of 2015 respectively, on the file of the Family Court, Thiruchirapalli, to Sub Court, Tambaram, to be tried along with HMOP.No.521 of 2014, on the file of Sub Court, Tambaram. In such circumstances, the petitioner has also filed Transfer CMP.No.157 of 2015 to withdraw and transfer HMOP.No.521 of 2014, on the file of the Sub Court, Tambaram, to Family Court, Thiruchirapalli, to be tried along with HMOP.No.57 of 2015 and M.C.No.21 of 2015.

5. According to the petitioner, on earlier occasion, she was working in Magna Info Tech Limited at Chennai. Now, she resigned the job and staying with her maternal aunt house at Trichy.

6. It is seen from the pleadings and the arguments of the learned counsel for both sides that the petitioner is not employed at present and she has no means to travel from Trichy to Tambaram. According to the petitioner, the distance between Trichy and Tambram, is 360 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.521 of 2014, before the Sub-Court, Tambaram. The petitioner is only depending on her parents for day-to-day expenses including travel expenses.

7. Heard the learned counsel appearing for the parties.

8. 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.Nos.521 of 2014, HMOP.No.57 of 2015 and M.C.No.21 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.



9. Accordingly, the Transfer CMP(MD).No.157 of 2015 filed by the petitioner / wife is allowed and H.M.O.P.No.521 of 2014, pending on the file of the Sub-Court, Tambaram, is hereby withdrawn and transferred to the file of the Family Court, Trichy, to be tried along with HMOP.No.57 of 2015 and M.C.No.21 of 2015, on the file of Family Court, Trichy. The learned Subordinate Judge, Tambaram, is directed to send the case bundles to the Family Court, Trichy immediately. The Registry is also directed to send back the papers that are pending before the Registry.

10. In view of the above, the petition filed by respondent in TR.C.M.P.(MD).Nos.113 and 125 of 2015 are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Trichy.

2. The Subordinate Judge, Tambaram

+lcc to M/S. S.M.Mohan Gandhi, Advocate in SR.No 30188

Copy to

The Section officer, VR, Section,
Madurai Bench of Madras High Court, Madurai.

+lcc to M/S.T.Lenin Kumar, Advocate in SR.No. 30602

TS/10.07.2015/2P -6C

Tr.C.M.P(MD)Nos. 113, 125 and 157 of 2015 and
M.P.(MD).No.1 of 2015 in all Transfer C.M.Ps.

12.06.2015