



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.115 of 2015

and

M.P (MD) No.1 of 2015

Rajalakshmi

... Petitioner

Vs.

Lakshmanan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.497 of 2014, pending on the file of the Learned III Additional Subordinate Judge, Madurai and Transfer the same on the file of Principal Subordinate Judge, Dindigul District.

For Petitioner	: Mr.N.Sathish Babu
For Respondent	: Mr. N.Vallinayagam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.497 of 2014, pending on the file of the Learned III Additional Subordinate Judge, Madurai and Transfer the same on the file of Principal Subordinate Judge, Dindigul District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.08.2007. After marriage, both the petitioner and the respondent were living together in matrimonial home. One female child was born on 18.07.2008 in the wedlock. The petitioner is working as a nurse at Primary Health Centre, Rajan Nagar, Erode District. Subsequently, transferred to Tamil Nadu Government Multi Super Speciality Hospital, Omendoorar Government Garden, Chennai. While so, the petitioner's brother got married in the month of February, 2014. After her brother's marriage, the respondent changed his attitude and demanded more dowry and jewels from her parents. The respondent threatened the petitioner with dire consequences, therefore, she left the matrimonial home and went to Dindigul along with her child. She gave a complaint on 27.02.2014 before the All Women Police Station, Dindigul. The petitioner filed H.M.O.P.No.170 of 2014 before the Principal Sub Court, Dindigul for divorce. The respondent filed H.M.O.P.No.497 of 2014 before the III Additional Subordinate Court, Madurai, for Restitution of Conjugal Rights. The respondent threatening the petitioner to withdraw the H.M.O.P.No.170 of 2014 filed by her.



3. According to the petitioner, it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.497 of 2014, before the III Additional Subordinate Court, Madurai. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.497 of 2014, filed by the respondent husband, before the III Additional Subordinate Court, Madurai, to Principal Subordinate Court, Dindigul, to be tried along with HMOP.No.170 of 2014.

5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through pleader and filed counter affidavit denying various allegations made by the petitioner. The petitioner is working as a nurse at Chennai and she is residing at Chennai. The parents of the petitioner and other family members are residing at Dindigul. The daughter is staying at, Bhavanisakar. The family members of the petitioner is threatening the respondent to withdraw the H.M.O.P.No. 497 of 2014. Therefore, he has prayed for dismissal of the petition.

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 the H.M.O.P.No.497 of 2014 and H.M.O.P.no.170 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.497 of 2014, on the file of the III Additional Subordinate Court, Madurai, is hereby withdrawn and transferred to the file of the Principal Sub Court, Dindigul, to be tried along with H.M.O.P.No.170 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned III Additional Subordinate Judge, Madurai, is directed to send the case bundles to the Principal Sub Court, Dindigul, 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(RTI)

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To

1. The III Additional Subordinate Judge,
Madurai.

2. The Principal Subordinate Judge,
Dindigul.

3. The Section Officer,
V.R. Section, Madurai Bench of Madras High Court, Madurai.

+1cc to MR.N.Sathish Babu, Advocate in Sr No.33362

Tr.C.M.P(MD)No.115 of 2015 and
M.P(MD)No.1 of 2015
24.06.2015

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