



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANITr.C.M.P(MD)No.117 of 2015 and
M.P(MD).No.1 of 2015

M. Akila ... Petitioner
Vs.
V. Manikandan ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w section 151 of Civil Procedure Code to withdraw HMO.P.No.29 of 2015 from the file of Sub Court, Mettur, Salem District, and transfer the same to the file of Principal Subordinate Court, Thanjavur, to be tried along with HMOP.No.50 of 2015.

For Petitioner : Mr. S. Rajaprabu
For Respondent : Mr. R.G. Sankar Ganesh

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMO.P.No.29 of 2015, from the file of Sub Court, Mettur, Salem District, to Principal Subordinate Court, Thanjavur, to be tried along with HMOP.No.50 of 2015.

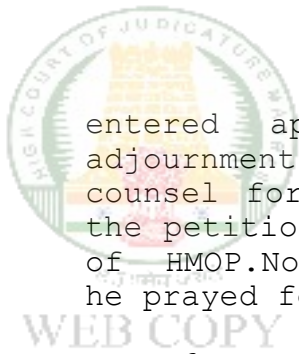
2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.10.2012. A male child was born in the wedlock. Due to mental and physical torture, given by the respondent, the petitioner left the matrimonial home, along with minor child. The petitioner filed HMOP.No.50 of 2015, on the file of Principal Subordinate Court, Thanjavur, for restitution of conjugal rights and also DVC.No.7 of 2015, under Domestic Violence Act, on the file of learned Judicial Magistrate-II, Thanjavur. The respondent filed HMOP.No.29 of 2015, on the file of Sub Court, Mettur, Salem District, for divorce.

3. Now, the petitioner is staying with her parents at Thanjavur, along with minor child. Her parents are aged persons and suffering from old age problems. The distance between Thanjavur and Mettur is about 250 Kms and it is very difficult for the petitioner to travel for each and every hearing at Thanjavur, along with minor children. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMO.P.No.29 of 2015, from the file of Sub Court, Melur, Salem District, to Principal Subordinate Court, Thanjavur, to be tried along with HMOP.No.50 of 2015.

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

5. Heard the learned counsel for the petitioner. The respondent



entered appearance through his counsel. After taking several adjournments for filing counter, he has not filed any counter. The counsel for the respondent contended that it will not be difficult for the petitioner, to travel from Thanjavur to Mettur, to attend the hearing of HMOP.No.29 of 2015, before the Sub Court, Mettur, Salem District, and he prayed for dismissal of this Transfer C.M.P.

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.29 of 2015 and HMP.No.50 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.29 of 2015, on the file of the Sub Court, Mettur, Salem District, is hereby withdrawn and transferred to the file of Principal Subordinate Court, Thanjavur, to be tried along with HMOP.No.50 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Mettur, Salem District, is directed to send the case bundles to the Principal Subordinate Court, Thanjavur, 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

trp

To

1. The Sub Judge, Mettur, Salem District
 2. The Principal Subordinate Judge, Thanjavur.
 3. The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai
- +1Cc to Mr.S.Rajaprabu Advocate SR.No.37609

Tr.C.M.P (MD) No.117 of 2015 and
M.P (MD) .No.1 of 2015
Dated: 09.07.2015

GJM -03.08.2015
2P/5C