



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.128 of 2015 and
M.P(MD)No.1 of 2015

R. Sinduja

... Petitioner

Vs.

R. Saran

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in FCOP.No.101 of 2015 from the file of the Family Court, Salem, to be tried along with the HMOP.No.152 of 2015 pending on the file of the Family Court Judge, Madurai.

For Petitioner : Mr. N. Murugesan
For Respondent : Mr. M. Viji for
Mr. S. Deenadhayalan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in FCOP.No.101 of 2015 from the file of the Family Court, Salem, and the same may be transferred to the Family Court, Madurai, to be tried along with HMOP.No.152 of 2015, on the file of the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.05.2012, as per Hindu Rites and Customs. A male child was born on 06.03.2013, in the wedlock. The respondent tortured the petitioner severely and sent out from the matrimonial home. Subsequently, the petitioner filed HMOP.No.152 of 2015 before the Family Court, Madurai, for restitution of conjugal rights. After receiving the notice in the HMOP.No.152 of 2015 filed by the petitioner, the respondent filed FCOP.No.152 of 2015, for divorce, before the Family Court, Salem.

3. Now, the petitioner is working at Chennai and her child is in Madurai, under the custody of petitioner's parents. According to the petitioner, the distance between Chennai and Salem is about 500 kms and it is very difficult for the petitioner to travel each and every hearing to attend F.C.O.P.No.101 of 2015, before the Family Court, Salem.

4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid FCOP.No.101 of 2015 filed by the respondent/husband before the Family Court, Salem, to the Sub Court, Madurai, to be tried along with H.M.O.P.No.152 of 2015.

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

5. Heard the learned counsel appearing for the parties.



6. The learned counsel appearing for the respondent made an endorsement that he has no objection to transfer the FCOP.No.101 of 2015 from the file of the Family Court, Salem, to the Family Court, Madurai, to be tried along with the HMOP.No.152 of 2015 pending on the file of the Family Court, Madurai.

7. Recording the above said endorsement made by the learned counsel for the respondent and 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.152 of 2015 and FCOP.No.101 of 2015 to be tried together in the same Court.

8. Further, It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and FCOP. No.101 of 2015 on the file of the Family Court, Salem, is hereby withdrawn and transferred to the file of the Family Court, Madurai to be tried along with H.M.O.P.No.152 of 2015 filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Salem, 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, M.P(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Salem

2.The Judge, Family Court, Madurai

+1cc to M/S.N.Murugesan, Advocate in SR.No 28820

+1cc to M/S. S.Deenadhayalan. Advocate in SR.No 28459

TS/29.06.2015/2P -5C

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