



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .Nos.149 and 150 of 2015

M. Premadevi : Petitioner in both Tr.C.M.Ps.

Vs.

M. Parameshkumar : Respondent in both Tr.C.M.Ps.

Prayer in Tr.C.M.P.No.149 of 2015: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the HMOP.No.11 of 2013 on the file of Sub Court, Aruppukkottai, to Family Court, Madurai.

Prayer in Tr.C.M.P.No.150 of 2015: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the HMOP.No.19 of 2015 on the file of Sub Court, Aruppukkottai, to Family Court, Madurai.

For Petitioner :; Mr. D. Senthil in both Petitions

For respondent : No appearance.

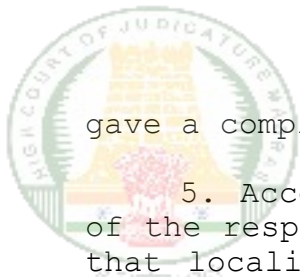
C O M M O N O R D E R

Both the Transfer Civil Miscellaneous Petitions are filed to withdraw and transfer the case in HMOP.Nos.11 of 2013 filed by the husband and 19 of 2015, on the file of Sub Court, Aruppukkottai, filed by the wife, to Family Court, Madurai.

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 04.11.2010. Due to mis-understanding, the respondent did not allow the petitioner to enter the matrimonial home on 06.10.2011. Further, the respondent attacked the petitioner and demanded more dowry. Hence, she gave a complaint before the All Women Police Station, Aruppukkottai, on 06.04.2013. The respondent filed HMOP.No.11 of 2013, on the file of Sub Court, Aruppukkottai, for restitution of Conjugal rights. <https://hcservices.ecourts.gov.in/hcservices/> the petitioner filed HMOP.No.19 of 2015, on the file of Sub Court, Aruppukkottai, for divorce. Thereafter, the petitioner made various complaints before the Taluk Police Station, Aruppukkottai and now, she



gave a complaint, before the Superintendent of Police, Virudhunagar.

5. According to the petitioner, her life is in danger in the hands of the respondent, since the respondent is a very influential person in that locality. The petitioner is working in Meenkashi Mission Hospital, Madurai and staying in Working Women Hostel, Madurai. Further, it is very difficult for her to take leave and attend the HMOPs pending before the Sub Court, Aruppukkottai.

6. In such circumstances, the petitioner filed these petitions to transfer both the HMOPs from the file of Sub Court, Aruppukkottai to Family Court, Madurai.

7. Heard the learned counsels appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

8. In view of the submissions made by the learned counsel for 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.11 of 2013 and HMOP.No.19 of 2015 are to be tried together in the same Court.

9. 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.

10. Accordingly, both the Transfer CMPs are allowed and H.M.O.P.No.11 of 2013 and HMOP.No.19 of 2015, on the file of the Sub-Court, Aruppukkottai, are hereby withdrawn and transferred to the file of the Family Court, Madurai. if the same are not yet disposed of. The learned Subordinate Judge, ***Aruppukkottai** 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.

Sd/-

Assistant Registrar(Crl Side)

***Corrected as per order of this
court dated 31.08.2015 and made in
Tr.C.M.P.No.149 & 150 /2015.**

/True Copy/

Sub Assistant Registrar

To

To be substituted to the order copy already despatched on 24/08/2015.

1. The Sub-Court, Aruppukkottai

2. The Family Court, Madurai.

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

2CC to M/S.D.Senthil, Advocate, SR.No.34988

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