



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.06.2015

CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.156 of 2015
and
M.P (MD) No.1 of 2015

B.Renganayaki

... Petitioner

Vs.

S.G.Suyambulingam @ Eswaramoorthy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.56 of 2014 pending on the file of the Sub Court, Valliyoor, Thirunelveli District and transfer the same to the Sub Court, Thoothukudi District.

For Petitioner : Mr.C.Arul Vadivel

For Respondent : Mr.A.Ajith Geethan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.56 of 2014 pending on the file of the Sub Court, Valliyoor, Thirunelveli District and transfer the same to the Sub Court, Thoothukudi 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 21.06.2012. A male child was born on 07.10.2014 in the wedlock. Due to misunderstanding between the parties, the respondent filed H.M.O.P.No.56 of 2014 before the Sub Court, Valliyoor, for divorce. The petitioner filed H.M.O.P.No.102 of 2015 before the Subordinate Court, Thoothukudi, for Restitution of Conjugal Rights. The petitioner is residing at Sundaramapuram, Thoothukudi District, with her aged parents. She is not having any independent income and there is no one in the family to accompany her to go to Valliyoor for each and every hearing. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Thoothukudi.

3. Now, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.56 of 2014 filed by the respondent/Husband before the Sub Court, Valliyoor to the Sub Court, Thoothukudi, to be tried along with H.M.O.P.No.102 of 2015.

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

4. Heard the learned counsel appearing for the petitioner.

5. The respondent has entered appearance through Advocate and



he did not file any counter affidavit.

6. 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.56 of 2014 and H.M.O.P.No.102 of 2015, are to be tried together in the same Court. It is well settled law that whenever, the transfer application 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.56 of 2014 on the file of the Sub Court, Valliyoor, is hereby withdrawn and transferred to the file of the Sub Court, Thoothukudi, to be tried along with H.M.O.P.No.102 of 2015 filed by the petitioner, if the same is not yet disposed of. The learned Sub Judge, Valliyoor, is directed to send the case bundles to the Sub Court, Thoothukudi, 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 2014 is closed.

8. The H.M.O.P, is pending from the year 2014. The learned Sub Judge, Thoothukudi, is directed to dispose the cases as expeditiously as possible, in any event not later than 31st December 2015.

SD

ASST REGISTRAR -CRL SIDE

TRUE COPY

SUB ASST REGISTRAR

To

- 1.The Subordinate Judge,
Valliyoor.
- 2.The Subordinate Judge, Thoothukudi.

1CC TO MR. C. ARULVADIVAL @ SEKAR ADV SR:29958
1CC TO MR.A.AJITH GEETHAN ADV SR: 30051

DM 01 JULY 15

Tr.C.M.P. (MD)No.156 of 2015

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