



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.182 of 2015 and

M.P.(MD).No.1 of 2015

WEB COPY

M. Rajarajeswari

: Petitioner/Respondent

Vs.

K. Murugan

: Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.904 of 2014, on the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr.C. Jeyprakash

For Respondent : Mr. S. Thirupathy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.904 of 2014, on the file of the Family Court, Madurai, to Family Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.11.2010, as per Hindu Rites and Customs. A female child was born on 11.09.2013, in the wedlock. Due to mis-understanding between the petitioner and respondent, the petitioner was sent out from matrimonial home, The respondent filed HMOP.No.904 of 2014, on the file of Family Court, Madurai, for divorce. Thereafter, the petitioner filed HMOP.No.21 of 2015, on the file of Family Court, Dindigul, for restitution of conjugal rights.

3. Now, the petitioner is residing at Dindigul with her parents along with minor child. According to the petitioner, the distance between Madurai and Dindigul, is approximately 100 Kms and it is very difficult for her to travel each and every hearing, along with minor child, to attend H.M.O.P.No.904 of 2014, before the Family Court, Madurai. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses including the travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMOP.No.904 of 2014, on the file of Family Court, Madurai, to Family Court, Dindigul, to be tried along with HMOP.No.21 of 2015, on the file of the Family Court, Dindigul.



5. Heard the learned counsel appearing for the parties. The respondent entered appearance through counsel. After taking several adjournments, he did not file any counter.

6. It is well settled 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.904 of 2014 and HMOP.No.21 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.904 of 2014, on the file of Family Court, Madurai, is hereby withdrawn and transferred to the file of Family Court, Dindigul, to be tried along with H.M.O.P.No.21 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Madurai, is directed to send the case bundles to the Family 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 (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Family Judge, Madurai
2. The Family Judge, Dindigul
3. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.MUTHUKUMAR, ADVOCATE SR NO. 40112

TRP

TE/SKN/SAR-II 27/08/2015 2P/5C

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