



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.183 of 2015 and
M.P.(MD).No. 1 of 2015

M.J.Monisha Manickam Jasmine : Petitioner/Respondent
Vs.

C. James Premdoss Clement : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in IDOP.No.7 of 2015, on the file of Family Court, Madurai and to transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr. Raguvaran Gopalan
For Respondent : Mr. P. Santhoshkumar

O R D E R

The petitioner, who is the respondent in IDOP.No.7 of 2015 filed this petition, to transfer IDOP.No.7 of 2015, from the file of Family Court, Madurai, to Family Court, Trichy.

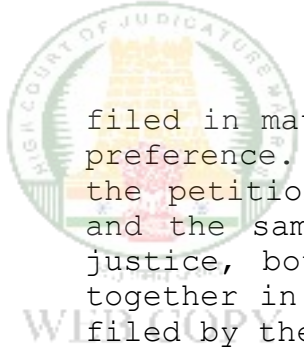
2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.01.2012. A male child was born in the wedlock. Due to mis-understanding between the petitioner and respondent, the respondent filed IDOP.No.7 of 2015, on the file of Family Court, Madurai, for divorce. Thereafter, the petitioner filed IDOP.No.13 of 2015, on the file of Family Court, Trichy, for restitution of conjugal rights.

3. Now, the petitioner is residing with her parents at Trichy. The distance between Trichy and Madurai is approximately 125 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.7 of 2015, before the Family Court, Madurai, along with her minor child. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer IDOP.No.7 of 2015, on the file of Family Court, Madurai, to Family Court, Trichy.

4. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner, to attend hearing at Family Court, Madurai, and he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties.
<https://hcservices.ecourts.gov.in/hcservices/>

6. 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 IDOP.No.7 of 2015 and IDOP.No.13 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 IDOP.No.7 of 2015, on the file of the Family Court, Madurai is hereby withdrawn and transferred to the file of the Family Court, Trichy, to be tried along with IDOP.No.13 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, Trichy 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/-

The Assistant Registrar(AS)

/True copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Madurai
2. The Judge, Family Court, Trichy.

+1cc to M/s.U.Nirmalarani, Advocate SR.NO.39083

+1cc to Mr.P.Santhoshkumar, Advocate SR.No.39085

trp

Sm:IV:5.08.2015:2P/5C

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