



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.192 of 2015 and
M.P(MD)No.1 of 2015

D.Meena

... Petitioner
Vs.

S.Shanmugasundaram

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the petition in H.M.O.P.No.924 of 2014 from the file of Family Court, Trichy and transfer the same to the file of Family Court, Coimbatore for joint trial along with M.C.No.60 of 2015 pending on its file.

For Petitioner : Mr.R.Sundar
For Respondent : Mr.R.Nireshkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw petition in H.M.O.P.No.924 of 2014 from the file of Family Court, Trichy and transfer the same to the file of Family Court, Coimbatore for joint trial along with M.C.No.60 of 2015 pending on its file.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.06.2006, as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in a matrimonial home at Uyyakondan Thirumalai, Trichy District. Due to misunderstanding, the respondent's family sent out the petitioner from the matrimonial home. The respondent filed H.M.O.P.No.924 of 2014 before the Family Court, Trichy. The petitioner filed M.C.No.60 of 2015 before the Family Court, Coimbatore.

3. Now, the petitioner is residing at Coimbatore with her parents. It is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.924 of 2014, before the Family Court, Trichy. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.924 of 2014, filed by the respondent husband, before the Family Court, Trichy, to Family Court, Coimbatore, to be tried along with M.C.No.60 of 2015.

5. Heard the learned counsel appearing for parties.

6. The learned counsel appearing for the respondent has no objection for allowing the petition and he has also made an endorsement to that effect.



7. Recording the 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 the petitions viz., H.M.O.P.No.924 of 2014 and M.C.No.60 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.924 of 2014, on the file of the Family Court, Trichy, is hereby withdrawn and transferred to the file of the Family Court, Coimbatore, to be tried along with M.C.No.60 of 2015 filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Trichy, is directed to send the case bundles to the Family Court, Coimbatore, 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(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Trichy.

2. The Judge, Family Court, Coimbatore.

+One cc to Mr.R.Sundar, Advocate, SR.no.38760

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai

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RL/5 c- 4/8/2015

Tr.C.M.P (MD) No.192 of 2015 and
M.P (MD) No.1 of 2015

15.07.2015