



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.220 of 2015 and
M.P(MD)No.1 & 2 of 2015

Geetha ... Petitioner/Respondent
Vs.

Ravi ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.263 of 2015, on the file of the Family Court, Coimbatore, to be tried along with H.M.O.P.No.113 of 2015 on the file of Subordinate Court, Thoothukudi, Thoothukudi District.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.263 of 2015, on the file of the Family Court, Coimbatore, to be tried along with H.M.O.P.No.113 of 2015 on the file of Subordinate Court, Thoothukudi, 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 24.03.2011, as per Hindu Rites and Customs. Due to misunderstanding, the respondent filed H.M.O.P.No.263 of 2014, before the Family Court, Coimbatore, for divorce. The petitioner filed H.M.O.P.No.113 of 2014, before the Sub Court, Thoothukudi for Restitution of Conjugal Rights.

3. Now, the petitioner is residing at Thoothukudi and working as a teacher in S.D.R.School, Thoothukudi for meagre salary. The distance between the Thoothukudi and Coimbatore is 600 kms and it is very difficult for the her to travel each and every hearing to attend H.M.O.P.No.263 of 2015, before the Family Court, Coimbatore. 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.263 of 2015, filed by the respondent husband, before the Family Court, Coimbatore, to Sub Court, Thoothukudi, to be tried along with HMOP.No.113 of 2015.

5. Heard the learned counsel appearing for the petitioner. <https://hcservices.ecourts.gov.in/hcservices/> Despite service of notice, the respondent has not chosen to appear either in person or through pleader.



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 petitions H.M.O.P.No.263 of 2015 and HMOP.No.113 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.263 of 2015, on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Sub Court, Thoothukudi, to be tried along with H.M.O.P.No.113 of 2015, if the same is not yet disposed of. The learned Family Court Judge, Coimbatore, 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, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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To

1. The Judge, Family Court, Coimbatore.
2. The Sub ordinate Judge, Thoothukudi.
3. The Section officer, Vernacular section,
Madurai Bench of Madras High Court, Madurai.

+one cc to Mr.A.Thiruvadi Kumar, Advocate in SR.No.41167

Tr.C.M.P(MD)No.220 of 2015 and
M.P(MD)No.1 of 2015
24.07.2015

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