



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2015
CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD).Nos.29 and 42 of 2015
and M.P(MD).Nos 1 and 1 of 2015

Nithya : Petitioner in both Tr.C.M.Ps

Vs.

V. Sudharsan : Respondent in both Tr.C.M.Ps

Prayer in Tr.C.M.P.No.29 of 2013: This Transfer CMP is filed under Section 24 of CPC praying to withdraw GWOP No.35 of 2014 on the file of District Judge, Theni and transfer the same to the District Court, Virudhunagar for being tried and adjudicated.

Prayer in Tr.C.M.P.No.42 of 2015: This Transfer CMP is filed under Section 24 of CPC praying to withdraw HMOP.No.184 of 2014 on the file of Sub Court, Theni and transfer the case to the Sub Court, Virudhunagar, for being tried and adjudicated.

For Petitioner : Mr. N. Shunmugavel

For Respondent : Mr. D. Gandhiraj

COMMON ORDER

Both the Transfer CMPs are filed by wife to withdraw and transfer GWOP.No.35 of 2014, on the file of District Court, Theni and HMOP.No.184 of 2014, on the file of Sub Court, Theni to District Court, Virudhunagar and Sub Court, Virudhunagar respectively.

2. Both the parties and issues are one and the same. Hence, both the petitions are taken up together and disposed of, by this common order.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.11.2003, as per Hindu Rites and Customs. A female child was born in the wedlock. After marriage, both were living together in the matrimonial home. Due to mis-understanding between the petitioner and respondent, the petitioner was sent out from the matrimonial home. The respondent filed HMOP.No.184 of 2014, before the Sub-court, Theni, for divorce. He also filed



child. Further, the petitioner has filed M.C.No.44 of 2014, on the file of the learned Judicial Magistrate, Aruppukkottai, claiming maintenance.

4. Now, the petitioner is residing at Puliampatti near Aruppukkottai along with her minor child at her mother's house. Her father expired. According to the petitioner, the distance between Aruppukkottai and Theni is about 150 kms and it is very difficult for the petitioner to travel each and every hearing to attend both the O.Ps., before the Sub-court, and District Court, Theni respectively. Further, the petitioner is not having any independent income and she is only depending on her mother for her day-to-day expenses, including the travel expenses.

5. In such circumstances, the petitioner filed Tr.C.M.P.Nos.29 and 42 of 2015, to transfer GWOP.No.35 of 2014, on the file of District Court, Theni and HMOP.No.184 of 2014, on the file of Sub Court, Theni to District Court, Virudhunagar and Sub Court, Virudhunagar respectively.

6. The learned counsel for the respondent contended that the petitioner left the matrimonial home without any reason. She has given a false complaint, before the All Women Police Station, Aruppukkottai. The respondent only meeting out the educational expenses of minor child for the past seven years. He further submitted that the respondent is regularly attending the each and every hearing before the learned Judicial Magistrate, Aruppukkottai. Therefore, it will not be difficult for the respondent to transfer all the cases to Virudhunagr or Srivilliputtur.

7. Heard the learned counsels appearing for the parties.

8. In view of the submissions made by the learned counsel for both sides 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, all the three cases are to be tried together in the same Court.

9. It is well settled law that whenever, the transfer petition 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.

10. Accordingly, both the Transfer CMPs are allowed and all the three cases viz., GWOP.No.35 of 2014, on the file of District Court, Theni, HMOP.No.184 of 2014, on the file of Sub Court, Theni and M.C.No.44 of 2014, on the file of learned Judicial Magistrate, Aruppukkottai, are hereby withdrawn and transferred to the file of District Court, Virudhunagar District at



Srivilliputur,, for joint trial. The Concerned Judges as well as Magistrate are directed to send the case bundles to the District Court, Virduhunagar District at Srivilliputur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Court, Theni
2. The District Court, Theni
3. The District Court, Virduhunagar District at Srivilliputur
4. The Judicial Magistrate, Aruppukkottai

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

+2cc to MR.N.Shanmugavel, Advocate Sr.No.33214,33213

trp

AA/16.07.2015/ 3p- 7c/

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