



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.5 of 2015 and
M.P(MD)No.1 of 2015

S. Vetriselvi

... Petitioner

Vs.

S. Seenivasan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the divorce petitioner in HMOP.No.1141 of 2014 from the file of the Family Court, Coimbatore and transferring the same to the file of the Family Court, Madurai to be jointly tried along with HMOP.No.878 of 2014 and M.C.No.153 of 2014.

For Petitioner : Mr.T.R. Jeyapalam

For Respondent : Mr. P. Santhanakrishnan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No.1141 of 2014, from the file of the Family Court, Coimbatore, to Family Court, Madurai, to be tried along with HMOP.No.878 of 2014 and M.C.No.153 of 2014, pending on the file of the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.06.2009, as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in matrimonial home at Coimbatore. On 23.12.2011, the respondent suddenly, left the petitioner and did not come to matrimonial home and filed HMOP.No.1141 of 2014, before Family Court, Coimbatore, for divorce. The petitioner filed both HMOP.No.878 of 2014 and M.C.No.153 of 2014, on the file of Family Court, Madurai, for restitution of conjugal rights and for maintenance respectively.

3. Now, the petitioner is staying at Madurai along with her parents. According to the petitioner, the distance between Madurai and Coimbatore, is 300 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.1141 of 2014, 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.1141 of 2014, filed by the respondent husband, before the Family Court, Coimbatore, to Family Court, Madurai, to be tried along with HMOP.No.878 of 2014 and M.C.No.153 of 2014, on the file of the Family Court, Madurai.



5. Heard the learned counsel appearing for parties.

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, all the petitions viz., H.M.O.P.No.1141 of 2014, HMOP.No.878 of 2014 and M.C.No.153 of 2014, 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.1141 of 2014, on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.878 of 2014 and M.C.No.153 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Coimbatore, is directed to send the case bundles to the Family Court, Madurai, 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

/True Copy/

Sub Assistant Registrar

- To
1. The Judge, Family Court, Coimbatore.
 2. The Judge, Family Court, Madurai

Copy to
The Section officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.T.R.Jeyapalam, Advocate in SR.No 30142

+1cc to M/S.P.Santhana Krishnan, Advocate in SR.No 30886

TS/07.07.2015/2P -6C

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