



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.73 of 2015 and
M.P(MD).No.1 of 2015

J. Sherine Pauli ... Petitioner
Vs.
L. Rexpravin ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw O.P.No.4292 of 2014 from the file of Family Court-II, Chennai, and transfer the same to the file of Family Court, Madurai for further proceedings.

For Petitioner : Mr. F.X. Eugene
For Respondent : Mr. S. Rameskumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer O.P.No.4292 of 2014, from the file of Family Court-II, Chennai, to 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 07.11.2013, as per Christian Rites and Customs. Within the month of marriage, the respondent changed his attitude and tortured the petitioner. On 22.06.2014, the petitioner was sent out from matrimonial home by the respondents and his family members. The respondent filed O.P.No.4292 of 2014, on the file of Family Court No.-II, Chennai, for divorce. Subsequently, the petitioner filed IDOP.No.80 of 2014, on the file of Family Court, Madurai, for restitution of conjugal rights.

3. Now, the petitioner is staying with her parents at Madurai. The distance between Chennai and Madurai is more than 500 Kms and it is very difficult for her to attend each and every hearing at Chennai. There is no one to accompany her to go to Chennai to attend the case. Further, the respondent is frequently visiting Madurai to see his parents at Anna Nagar, Madurai.

4. In such circumstances, the petitioner filed this petition to transfer O.P.No.4292 of 2014, from the file of Family Court-II, Chennai, to Family Court, Madurai.

5. 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 travel from Madurai to Chennai to attend IDOP.NO.4292 of 2014, before the Family Court-II, Chennai, and he prayed for dismissal of this Transfer C.M.P.

6. Heard the learned counsel appearing for both parties.

7. 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 O.P.No.4292 of 2014 and IDOP.No.80 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.P.No.4292 of 2014 on the file of the Family Court-II, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Madurai, to be tried along with IDOP.No.80 of 2014, filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge - II, Chennai, 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/-

The Assistant Registrar(T&P)

/True copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court-II, Chennai.
2. The Judge, Family Court, Madurai.

Copy to: The Section Officer, VR section,
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.F.X.Eugene, Advocate, SR.NO.36065

trp

Sm:PSK:23.07.2015:2P/5C

Tr.C.M.P(MD)No.73 of 2015 and
M.P(MD).No.1 of 2015