



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD) No.85 of 2015

and

M.P(MD)No.1 of 2015

Dr.R.Swetha

... Petitioner

Vs.

Dr.N.Ramamurthy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.615 of 2014 on the file of Family Court, Trichy and to transfer the same for trial to the file of Subordinate Judges of Thanjavur, Thanjavur District.

For Petitioner : Mr.A.Arun Prasad

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.615 of 2014 on the file of Family Court, Trichy and to transfer the same for trial to the file of Subordinate Court, Thanjavur, Thanjavur 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 28.08.1995 as per Hindu Rites and Customs. One male child and one female child were born in the wedlock. After the marriage, both the petitioner and the respondent were living together in the matrimonial home at Gandhinagar. From the date of marriage, the in-laws of the petitioner ill-treated her. The petitioner filed H.M.O.P.No.207 of 2013 before the Sub Court, Thanjavur, for Dissolution of Marriage. After receiving the notice in H.M.O.P.No.207 of 2013, the respondent filed H.M.O.P.No.763 of 2013 before the Principal Subordinate Court, Trichirappalli. Now, the said H.M.O.P.No.763 of 2013 was transferred to Family Court, Trichy, and re-numbered as H.M.O.P.No.615 of 2014 and the same is pending before the Family Court, Trichy.

3. The petitioner is suffering from severe Hypothyroidism and it is very difficult for the petitioner to travel each and every hearing to attend the case at Trichy before Family Court.. The doctors advised her not to travel long distance. The petitioner is depending on her parents for day to day expenses including travel expenses.

4. Now, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.615 of 2014 filed by the respondent/Husband pending before the Family Court, Trichy, to the Sub Court, Thanjavur, to be tried along with H.M.O.P.No.207 of 2013.



5. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

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6. 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 H.M.O.P.No.615 of 2014 and H.M.O.P.No.207 of 2013 to be tried together in the same Court. It is well settled law that whenever, the transfer application 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.615 of 2014 on the file of the Family Court, Trichy, is hereby withdrawn and transferred to the file of the Subordinate Court, Thanjavur, to be tried along with H.M.O.P.No.207 of 2013, filed by the petitioner. The learned Family Court Judge, Trichy, is directed to send the case bundles to the Subordinate Court, Thanjavur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

8. The H.M.O.Ps, are pending from the year 2013 and 2014. The learned Subordinate Judge, Thanjavur is directed to dispose the case in H.M.O.P.No.615 of 2014 and H.M.O.P.No.207 of 2013 as expeditiously as possible, in any event not later than 31st January 2016.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Trichirappali
 2. The Subordinate Judge, Thanjavur.
 3. The Principal District Judge, Thanjavur
 4. The Sub-Assistant Registrar(Judicial)
Judicial Department,
Madurai Bench of Madras High Court, Madurai
 5. The Record Keeper/Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai
- +One cc to M/s.A.Arun Prasad, Advocate, SR.No.31430

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RL/7 c- 6/7/2015

<https://hcservices.ecourts.gov.in/hcservices/>

Tr.C.M.P. (MD)No.85 of 2015