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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.98 of 2015 and
M.P(MD)No.1 of 2015

Sathyavani

... Petitioner

Vs.

Amaresh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw MOP.No.4 of 2015 from the file of the Sub Court, Hosur, and transfer the same to the file of III Additional Sub Court, Madurai.

For Petitioner	: Mr.P.T. Rameshraj
For Respondent	: No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer MOP.No.4 of 2015 from the file of Sub Court, Hosur, to III Additional Sub 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 19.08.2012. After marriage, both were living together in the matrimonial home at Hosur. The respondent tortured the petitioner cruelly and demand more dowry. Therefore, the petitioner gave a complaint before the Keelamangalam Police Station. Immediately, the respondent filed MOP.No.4 of 2015, on the file of Sub Court, Hosur, to declare the marriage as null and void. Subsequently, the petitioner filed HMOP.No.72 of 2015, before the III Additional Sub Court, Madurai, for restitution of conjugal rights.

3. Now, the petitioner is staying along with her parents at Madurai. According to the petitioner, the distance between Madurai and Hosur is approximately 500 Kms and it is very difficult for her to travel each and every hearing to attend the hearing of H.M.O.P.No.4 of 2015, before the Sub Court, Hosur. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses including the travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid M.O.P.No.4 of 2015, filed by the respondent before the Sub Court, Hosur, to III Additional Sub Court, Madurai.



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

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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 M.O.P.No.4 of 2015 and HMOP.No.72 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and M.O.P.No.4 of 2015, on the file of the Sub Court, Hosur, is hereby withdrawn and transferred to the file of the III Additional Sub Court, Madurai, to be tried along with H.M.O.P.No.72 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Madurai is directed to send the case bundles to the III Additional Sub 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 (R)

\\True copy\\

Sub Assistant Registrar

To

1. The Subordinate Judge, Hosur.
2. The III Additional Subordinate Judge, Madurai.

Copy to : The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.T.Ramesh Raja, Advocate Sr.No.35261

akm/28.07.15 /2p-4c/

Tr.C.M.P(MD)No.98 of 2015 and
M.P(MD)No.1 of 2015