



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2015

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE D. HARI PARANTHAMAN

TR.CMP(MD)No.47 of 2011

and

M.P(MD)No.1 of 2011

Jamuna

... Petitioner/Respondent

Vs.

S.Raja

... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer of the case in HMOP.No.377 of 2008 pending on the file of the III Additional Sub Court, Madurai, and transfer the same to Sub Court, Sivagangai, to be tried along with HMOP.No.117 of 2010 pending on the file of the Sub Court, Sivagangai.

For Petitioner : Mr.P.Natarajan

ORDER

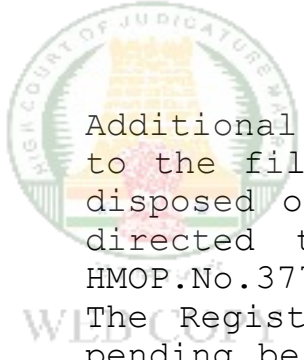
The petitioner is the wife. The respondent is the husband. He filed HMOP.No.377 of 2008 on the file of the III Additional Sub Court, Madurai, seeking divorce. The aforesaid HMOP was dismissed for default. It is stated that I.A.No.197 of 2014 in HMOP.No.377 of 2008 was filed to restore the HMOP on file.

2.The petitioner/wife fled HMOP.No.117 of 2010 on the file of the Sub Court, Sivagangai, for restitution of conjugal rights and the same was allowed. Now the wife has filed this transfer petition seeking transfer of HMOP.No.377 of 2008 from the file of the III Additional Sub Court, Madurai, to the file of the Sub Court, Sivagangai, to be tried along with HMOP.No.117 of 2010.

3.Heard the learned counsel for the petitioner. Sole respondent refused to receive the private notice.

4.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.

<https://hcservices.courts.gov.in/hcservices/>
5.Accordingly, this Tr.CMP is allowed and I.A.No.197 of 2014 in HMOP.No.377 of 2008 on the file of the file of the III



Additional Sub Court, Madurai, is hereby withdrawn and transferred to the file of the Sub Court, Sivagangai, if the same is not yet disposed of. The learned III Additional Sub Judge, Madurai, is directed to send the case bundles in I.A.No.197 of 2014 in HMOP.No.377 of 2008 to the Sub Court, Sivagangai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1.The IIIrd Additional Sub Judge, Madurai.

2)The Subordinate Judge, Sivagangai.

Copy to:

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

+One cc to Mr.P.Natarajan, Advocate, SR.No.4637

NB2

RL/5c - 11/2/2015

TR.CMP(MD)No.47 of 2011

and

M.P(MD)No.1 of 2011

30.01.2015