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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD)No.201 of 2013

and

M.P (MD)No.1 of 2013

M.Chitra

... Petitioner

Vs.

S.Suresh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.140 of 2012 on the file of Sub Court, Uthamapalayam and transfer the same to Principal Sub-Court, Dindigul to be tried along with H.M.O.P.No.338 of 2012 on the file of Principal Sub Court, Dindigul.

For Petitioner : Mr.Niranjan S.Kumar

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.140 of 2012 on the file of Sub Court, Uthamapalayam and transfer the same to Principal Sub-Court, Dindigul to be tried along with H.M.O.P.No.338 of 2012 on the file of Principal Sub Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 21.08.1997. She filed H.M.O.P.No.338 of 2012 before the Principal Sub Court, Dindigul for Restitution of Conjugal Rights. The respondent/husband filed H.M.O.P.No.140 of 2012 before the Sub Court, Uthamapalayam for divorce.

3. The petitioner is not having any independent income and she is depending upon her parents to attend the hearing at Uthamapalayam. She is finding it very difficult to travel such a long distance from Dindigul to Uthamapalayam along with her children. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Dindigul.

4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.140 of 2012 filed by the respondent/Husband before the Sub Court, Uthamapalayam to the Sub Court, Dindigul and to be tried along with H.M.O.P.No.338 of 2012.

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



6.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.

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7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.140 of 2012 on the file of the Sub Court, Uthamapalayam is hereby withdrawn and transferred to the file of the Sub Court, Dindigul to be tried along with H.M.O.P.No.338 of 2012 filed by the petitioner, if the same is not yet disposed of. The learned Sub Judge, Uthamapalayam is directed to send the case bundles to the Court of the Sub Court, Dindigul, 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 2013 is closed.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Sub Judge, Uthamapalayam
- 2.The Sub Judge, Dindigul.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (For Send Back the Lower Court Records, Immediately)

Tr.C.M.P. (MD)No.201 of 2013
and MP (MD)No.1 of 2013
15.04.2013

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