



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.406 of 2013 and
M.P. (MD) .No. 1 of 2013

A. Gayathri : Petitioner/Respondent

Vs.

M. Maniraja : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.321 of 2013 pending on the file of Family Court, Madurai and to transfer the same Sub Court, Palani, Dindigul District.

For Petitioner : Mr. S. Venkatasubramanian
For Respondent : Mr. J.Jeya kumaran

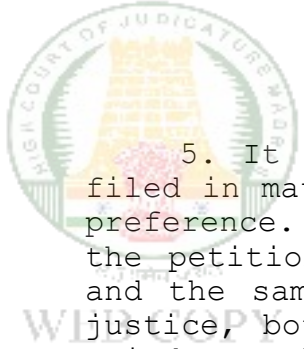
O R D E R

The petitioner, who is the respondent in HMOP.No.321 of 2013 filed this petition, to transfer HMOP.No.321 of 2013 pending on the file of Family Court, Madurai, to Sub-Court, Palani, Dindigul 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 15.09.2011, as per Hindu Rites and Customs. After marriage, both were living together in the matrimonial home at Villupuram. Due to mis-understanding between the petitioner and the respondent, the petitioner was sent out from the matrimonial home. The respondent filed HMOP.No.321 of 2013, before the Family Court, Madurai, for divorce. Thereafter, the petitioner filed HMOP.No.129 of 2013, on the file of Sub-Court, Palani, Dindigul District, for restitution of conjugal rights.

3. Now, the petitioner is staying with her parents at Palani. The distance between Madurai and Palani is approximately 120 Kilometers and it is very difficult for the petitioner to travel such a long distance to attend HMOP.No.321 of 2013, before the Family Court, Madurai. Her father is aged person and his health condition did not permit him to travel along with petitioner. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.321 of 2013, from the file of Family Court, Madurai, to Sub-Court, Palani, Dindigul District.

4. Heard the learned counsel appearing for the petitioner. The respondent entered appearance through his counsel and he did not file counter. The learned counsel for the respondent contended that it will be in the interest of justice for the petitioner, to attend hearing at Sub-Court, Palani, Dindigul District, and he prayed for dismissal of this Transfer C.M.P.



5. 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 H.M.O.P.No.321 of 2013 and HMOP.No.129 of 2013 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.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.321 of 2013, on the file of Family Court, Madurai, is hereby withdrawn and transferred to the file of the Sub Court, Palani, Dindigul District, to be tried along with H.M.O.P.No.129 of 2013 filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Madurai, is directed to send the case bundles to the Sub Court, Palani, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Madurai.

2. The Subordinate Judge, Palani, Dindigul District.

Trp

SR : 31.07.2015 : 2p/3c

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M.P. (MD) .No. 1 of 2013
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