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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2015

CORAM :

THE HONOURABLE MR. JUSTICE D. HARI PARANTHAMAN

TR.CMP (MD) No.92 of 2013

and

M.P (MD) No.1 of 2013

Menaka

... Petitioner

Vs.

S.Vijay

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the M.O.P.No.48 of 2012 pending on the file of the learned District Judge, Karaikal, to the learned Principal Subordinate Judge, Thanjavur, to try along with HMOP.No.8 of 2013.

For Petitioner : Mr.B.S.Meltiue

For Respondent : No appearance

O R D E R

The petitioner is the wife and the respondent is the husband. The respondent filed MOP.No.48 of 2012 on the file of the learned District Judge, Karaikal, for divorce while the petitioner filed HMOP.No.8 of 2013 on the file of the learned Principal Subordinate Judge, Thanjavur, for restitution of conjugal rights.

2.Now, the petitioner/wife has filed this petition to transfer the petition in MOP.No.48 of 2012 filed by the respondent/husband before the District Judge, Karaikal, to the Principal Subordinate Judge, Thanjavur, to be tried along with HMOP.No.8 of 2013 stating that having a female child aged four years, it is difficult to her to travel from Thanjavur to Karaikal.

3.Heard the learned counsel for the petitioner. Though the respondent was served with private notice and his name is also printed in the cause list, there is no representation on his behalf either in person or through pleader.

4.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

5.Accordingly, the petition is allowed and MOP.No.48 of 2012 filed by the respondent/husband before the District Judge, Karaikal, is hereby withdrawn and transferred to the file of the to the Principal Subordinate Judge, Thanjavur, if the same is not yet disposed of. The Court of Principal Subordinate Judge, Karaikal, is directed to send the case bundles immediately to the Court of Principal Subordinate Judge, Thanjavur, who on receipt of the case papers in MOP.No.48 of 2012 shall conduct a joint



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trial along with HMOP.No.8 of 2013. No costs. M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(Writs)

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Sub Assistant Registrar

To

1)The District Judge,
Karaikal.

2)The Principal Subordinate Judge,
Thanjavur.

+1cc to M/s.B.S.Meltiue,Advocate SR.No.10144

ORDER MADE IN
TR.CMP (MD) No.92 of 2013
and
M.P (MD) No.1 of 2013
DATED : 02.03.2015

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PA/10.03.2015/2P/4C