



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.123 of 2015

and M.P(MD)No.1 of 2015

Sathiyakala @ Jenani

... Petitioner

Vs.

M.Prasath

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer H.M.O.P.No.302 of 2014 on the file of the Family Court, Dindigul to the Family Court, Trichy.

For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.A.Hariharan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.302 of 2014 on the file of the Family Court, Dindigul and transfer the same to the Family Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 18.11.2012. Due to some dispute, both the husband and wife are living separately and the petitioner filed a petition under Domestic Violence Act, in M.C.No.159 of 2014. Whiles, the respondent filed a petition in H.M.O.P.No.302 of 2014 for divorce before the Family Court, Dindigul by making various false allegations. At present, the petitioner is living with her parents at Trichy. Therefore, it is very difficult for her to travel each and every hearing to attend the case in H.M.O.P.No.302 of 2014 on the file of the Family Court, Dindigul. The petitioner is depending on her parents for day to day expenses including travel expenses. Therefore, she has come out with the present petition for transfer.

3.In view of the submission 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.302 of 2014 and M.C.No.159 of 2014 are to be tried together in the same Court.

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 as held by the Hon'ble Supreme Court in the judgments reported in 2008(9) SCC 353 (*Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta*) and AIR 2002 SC 396 (*Sumita Singh Vs. Kumar Sanjay and another*). Therefore, it will be in the interest of justice, in order to avoid conflicting decisions, the petition filed by the wife is liable to be allowed.

5.Considering the facts and circumstances of the case, this Transfer Civil Miscellaneous Petition is ordered and H.M.O.P.No.302 of 2014 on the file of the Family Court, Dindigul is hereby withdrawn and transferred to the file of the Family Court, Trichy to be tried along with M.C.No.159 of



2014 filed by the petitioner. The learned Family Court, Dindigul is hereby directed to send the case bundles in H.M.O.P.No.302 of 2014 immediately, to the Family Court, Trichy. No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar(AS)

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/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Judge, Family Court, Dindigul.
- 2.The Judge, Family Court, Trichy.

+1cc to M/s.P.Sivachandran, Advocate in SR.12819
+1cc to M/s.A.Hariharan, Advocate in SR.12254

Tr.C.M.P. (MD) No.123 of 2015
and MP (MD) No.1 of 2015
03.03.2016

nbj

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