



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2016

CORAM:

**THE HONOURABLE MS. JUSTICE V.M. VELUMANI**

TR.C.M.P. (MD) No.159 of 2015 and M.P(MD).No.1 of 2015

Sumathy

: Petitioner

Vs.

M. Balakrishnan

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.120 of 2015 from the file of Sub Court, Tambaram and transfer the same to the file of Sub-Court, Kovilpatti to be tried along with HMOP.No.13 of 2015.

For Petitioner : Mr.Siva Ilayaraja

For Respondent : No appearance

### O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.120 of 2015 from the file of Sub Court, Tambaram and transfer the same to the file of Sub-Court, Kovilpatti to be tried along with HMOP.No.13 of 2015.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.11.2013, as per Hindu Rites and Customs. At the time of marriage, the petitioner was working in the Private Company. Due to suspicious nature of respondent, the petitioner left the job, as per desire of the respondent. Due to the dispute, the petitioner left the matrimonial home on 08.04.2014. Now, the petitioner is residing at Kovilpatti along with her parents. She filed HMOP.No.13 of 2015, before the Sub Court, Kovilpatti, for restitution of conjugal rights. After receiving summons from the Sub Court, Kovilpatti, in HMOP.No.13 of 2015, the respondent filed HMOP.No.120 of 2015, before the Sub Court, Tambaram for dissolution of marriage.

3. According to the petitioner, she is unemployed and residing with her parents at Kovilpatti. The petitioner's father is a retired person and parents of the petitioners's are struggling lot to meet out their family expenses. The distance between Kovilpatti and Tambaram is more than 500 Kilometers and it is very difficult for the petitioner to travel such a long distance to attend HMOP.No.120 of 2015, before the Sub Court, Tambaram. The petitioner has also stated that the respondent is residing at Neduvayal, Sivaganga District, and frequently travelling to various places and therefore, it will not be difficult for the respondent to attend HMOP.No.13 of 2015, before the Sub Court, Kovilpatti. In such circumstances, the petitioner filed this petition to withdraw the case in HMOP.No.120 of 2015 from the file of Sub Court, Tambaram and transfer the same to the file of Sub-Court, Kovilpatti to be tried along with HMOP.No.13 of 2015.



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

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. 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 HMOP.No.120 of 2015 pending on the file of Sub Court, Tambaram, is hereby withdrawn and transferred to the file of Sub Court, Kovilpatti, to be tried along with H.M.O.P.No.13 of 2015 filed by the petitioner, if the same is not yet disposed of. The learned Subordinate Judge, Tambaram, is directed to send the case bundles to the Sub Court, Kovilpatti, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar(C.S)  
Madurai Bench of Madras High Court,  
Madurai.

To

1. The Sub Court, Kovilpatti
2. The Sub Court, Tambaram.

Copy to

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

+1cc to M/S.S.Siva Ilayaraja, Advocate in SR.No.21884

TR.C.M.P.(MD) No.159 of 2015  
and M.P(MD).No.1 of 2015  
15.04.2016

trp

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