



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P. (MD) Nos.198 and 199 of 2015 and
M.P (MD) .Nos.1 and 1 of 2015

M. Annuncia : Petitioner in both
Transfer CMPs

Vs.

S. Jeyasangar : Respondent in both
Transfer CMPs

Prayer in Transfer CMP 198 of 2015: This Transfer CMP is filed under Section 24 r/w. 151 of CPC praying to withdraw the case in GWOP.No.3 of 2015 pending on the file of Principal District Court, Ramanathapuram and transfer the same to the file of Principal District, Pudukkottai.

Prayer in Transfer CMP 199 of 2015: This Transfer CMP is filed under Section 24 r/w. 151 of CPC praying to withdraw the case in SMOP.No.1 of 2015 pending on the file of I Additional District Judge, Madurai and transfer the same to the file of Principal District Court, Pudukkottai to be tried along with HMOP.No.14 of 2014.

For Petitioner : Mr.C. Muthusaravanan

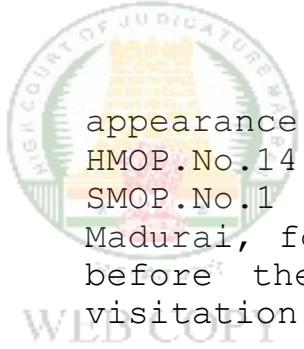
For Respondent : M.Ponniah

O R D E R

The Transfer CMP(MD).No.198 of 2015 is filed to withdraw the case in GWOP.No.3 of 2015 pending on the file of Principal District Court, Ramanathapuram and transfer the same to the file of Principal District, Pudukkottai.

The Transfer CMP(MD).No.199 of 2015 is filed to withdraw the case in SMOP.No.1 of 2015 pending on the file of I Additional District Judge, Madurai and transfer the same to the file of Principal District Court, Pudukkottai to be tried along with HMOP.No.14 of 2014.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.05.2008. A female child was born in the wedlock on 23.07.2009. Due to the torture and ill treatment to the respondent, the petitioner filed HMOP.No.14 of 2014, before the District Court, Pudukkottai, for divorce and notice was ordered to the respondent. The respondent also entered



appearance and he filed counter statement in the above said HMOP.No.14 of 2014. As a counter blast, the respondent filed SMOP.No.1 of 2015, before the I Additional District Court, Madurai, for restitution of conjugal rights and GWOP.No.3 of 2015, before the Principal District Court, Ramanathapuram, to grant visitation right on minor child.

3. According to the petitioner, she is residing at viruchilai, Pudukottai District with her parents along with minor child. She is only depending on her parents for her day to day expenses including travelling expenses. The distance between Pudukottai and Ramanathapuram is more than 100 Kilometers and it is very difficult for the petitioner to travel for each and every hearing at Ramanathapuram, along with her minor child. Further, the minor child is studying Second standard in a school at Pudukottai District.

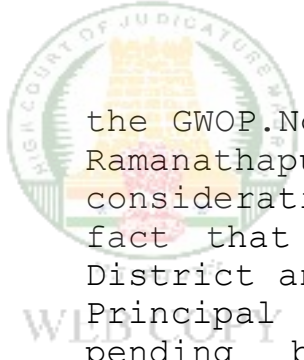
4. In such circumstances, the petitioner has come out with the present petitions viz, Transfer CMP(MD).Nos.198 and 199 of 2015 to withdraw the case in GWOP.No.3 of 2015 pending on the file of Principal District Court, Ramanathapuram and transfer the same to the file of Principal District, Pudukkottai and to withdraw the case in SMOP.No.1 of 2015 pending on the file of I Additional District Court, Madurai and transfer the same to the file of Principal District Court, Pudukkottai to be tried along with HMOP.No.14 of 2014 respectively.

5. The respondent filed counter affidavit and submitted that there is a life threat to the respondent at Pudukottai and therefore, he made complaint against the petitioner and her family friend viz., Thiruthuvam and the same is pending before Thuvarankurichi Police Station. He further submitted that it will not be difficult for the petitioner to travel to attend hearing at Ramanathapuram. He further contended that already ex parte order dated 11.03.2016, was passed in SMOP.No.1 of 2015, on the file of I Additional District Judge, Madurai and SMOP is not pending and prayed for dismissal of both Transfer CMPs.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. The learned counsel for the respondent contended that there is a life threat to the respondent at Pudukkottai and respondent has given complaint against petitioner and her family friend Thiruthuvam. The respondent has not substantiated the said allegation by any acceptable documents. Therefore, the said contention is rejected.

8. The learned counsel for petitioner contended that minor child is studying 2nd Standard in a School at Pudukkottai District and education of child will be affected if she made to appear in



the GWOP.No.3 of 2015 before the learned Principal District Judge, Ramanathapuram. The interest of the minor is paramount consideration for the Court to decide the issue. Considering the fact that minor child is studying in a School at Pudukkottai District and parties in both HMOP No.14 of 2014 on the file of the Principal District Court, Pudukkottai and GWOP.No.3 of 2015 pending before the Principal District Court, Ramanathapuram are one and the same and issue involved in both the cases are interlinked, in the interest of Justice both HMOP.No.14 of 2014 and GWOP.No.3 of 2015 are to be tried together in the same Court. Therefore, I am of the view that the petition in Transfer CMP(MD).No.198 of 2015 filed by wife is liable to be allowed.

9. Accordingly, the petition in TR.CMP(MD).No.198 of 2015 is ordered and GWOP.No.3 of 2015, pending on the file of Principal District Court, Ramanathapuram, is hereby withdrawn and transferred to the file of Principal District Court, Pudukkottai, to be tried along with H.M.O.P.No.14 of 2014, if the same is not yet disposed of. The learned Principal District Judge, Ramanathapuram, is directed to send the case bundles to Principal District Court, Pudukkottai, immediately. The Registry is also directed to send back the papers that are pending before the Registry.

10. In view of the submission made by the learned counsel for the respondent that already ex parte order dated 11.03.2016 was passed in SMOP.No.1 of 2015, pending on the file of I Additional District Judge, Madurai, the Transfer CMP(MD).No.199 of 2015 is hereby dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal District Judge, Ramanathapuram
 2. The Principal District Judge, Pudukkottai.
 3. The Ist Additional District Judge, Madurai
- +One cc to Mr.C.Muthusaravanan, Advocate, SR.No.22685
 +2 ccs to Mr.M.Ponniah, Advocate, SR.No.22617
 trp
 RL/7C/3P/SKS/RR/SARI/3/6/2016

TR.C.M.P.(MD) Nos.198 and 199 of 2015 and
M.P(MD).Nos.1 and 1 of 2015