



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :05.04.2016
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.234 of 2015 and M.P(MD)No.1 of 2015

WEB COPY

Saranya

.. Petitioner

Vs.

Sathish Babu

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.166 of 2014, on the file of the Principal Sub Court, Kumbakonam and to transfer the said case to the any other Court in Trichirappalli.

For Petitioner : Mr.R.Alagumani

For Respondent : Mr.S.Shankar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.166 of 2014, on the file of Principal Sub Court, Kumbakonam and transfer the same to any other Court in Trichirappalli.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.06.2014. After the marriage, both were living together in the matrimonial home at Kumbakonam and immediately, after that the respondent went to abroad. The family members of the respondent ill-treated the petitioner and demanded more dowry and thrown her out from the matrimonial home. The respondent filed H.M.O.P.No.166 of 2014 before the Principal Sub Court, Kumbakonam, for divorce. The petitioner filed H.M.O.P.No.115 of 2015 before the Family Court, Trichy, for Restitution of Conjugal Rights and she also filed M.C.No.84 of 2015 before the Additional Mahila Court, Trichy, for maintenance.

3.According to the petitioner, she is residing at Trichy along with her parents. She is not having any independent income and she is depending on her aged parents for her day-to-day expenses including travel expenses. The distance between the Trichy to Kumbakonam is more than 150 kms. She finds it very difficult to travel from Trichy to Kumbakonam. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Trichy.

4.In such circumstances, the petitioner filed this petition to transfer the aforesaid H.M.O.P.No.166 of 2014, filed by the respondent/husband, before the Principal Sub Court, Kumbakonam, to Family Court, Trichy to be tried along with HMOP.No.115 of 2015.

5.Heard the learned counsel appearing for the petitioner and the



6. 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)**. In the present case, the petitioner has given valid reason for transferring the H.M.O.P.No.166 of 2014 filed by the respondent and for hearing the same together in order to avoid conflicting decisions. For the above reasons, the transfer civil miscellaneous Petition is allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.166 of 2014 on the file of the Principal Sub Court, Kumbakonam, is hereby withdrawn and transferred to the file of the Family Court, Trichy, to be tried along with H.M.O.P.No.115 of 2015, if the same is not yet disposed of. The learned Principal Sub Court, Kumbakonam, is directed to send the case bundles to the Family Court, Trichy, 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(CS-II)

/TRUE COPY/

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

To

1.The Principal Subordinate Judge,
Kumbakonam.

2.The Judge, Family Court,
Trichy.

Copy to

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

+1cc to M/S.R.Alagumani, Advocate in SR.No.19857

TR.C.M.P(MD)No.234 of 2015
05.04.2016

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