



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.248 of 2015

and

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

P.Usha

... Petitioner

Vs.

P.Jeyakumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.282 of 2015 from the file of the Sub-Court, Tambaram and transfer the same to the Sub-Court, Uthamapalayam with a direction to try the same along with H.M.O.P.No.104 of 2015 on the file of the Sub-Court, Uthamapalayam.

For Petitioner

:Mr.C.Ezhilarasu

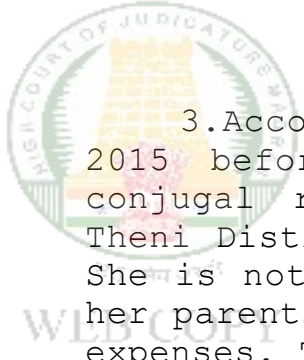
For Respondent

:Mr.K.Muthumalai

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.282 of 2015 on the file of the Sub-Court, Tambaram and to transfer the same to the Sub-Court, Uthamapalayam with a direction to try the same along with H.M.O.P.No.104 of 2015 on the file of the Sub-Court, Uthamapalayam.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.12.2006 as per Hindu rites and customs. After the marriage, the respondent, his parents, sisters and brothers tortured the petitioner physically and mentally and treated her as a slave. She preferred a petition under Sections 12 and 23(2) of Domestic Violence Act 2005 before the Judicial Magistrate, Uthamapalayam and the same has been numbered as Cr.M.P.No.4774 of 2015. Due to that vengeance, the respondent filed H.M.O.P.No.282 of 2015 before the Sub-Court, Tambaram, with false allegations.



3. According to the petitioner, she filed H.M.O.P.No.104 of 2015 before the Sub-Court, Uthamapalayam, for restitution of conjugal rights. She is residing at Odaipatti, Uthamapalayam, Theni District along with her aged mother and two minor children. She is not having any independent income and she is depending on her parents for her day to day expenses, including the travelling expenses. The distance between Tambaram and Theni is more than 500 kms and it is very difficult for her to travel such a long distance for each and every hearing. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4. The learned counsel appearing for the respondent did not file any counter.

5. I have heard Mr.C.Ezhilarasu, learned counsel appearing for the petitioner and Mr.K.Muthumalai, learned counsel appearing for the respondent and carefully perused the entire materials on record.

6. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Moreover, in order to avoid conflicting decisions, both the cases have to be tried together by the same Court. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.282 of 2015 pending on the file of the Sub-Court, Tambaram is ordered to be withdrawn and transferred to the file of the Sub-Court, Uthamapalayam, to be tried along with H.M.O.P.No.104 of 2015. The learned Subordinate Judge, Tambaram, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.282 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar



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To

1.The Subordinate Judge, Tambaram.

2.The Subordinate Judge, Uthamapalayam.

COPY TO : The Section Officer, ER Section
Madurai Bench of Madras High Court, Madruai.

+1CC to Mr.K.Muthumalai Advocate Sr.No.14230

+1CC to Mr.N.Senthil Kumar Advocate Sr.No.14218

GJM/NGM/SS/22.3.16-2p-6c

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