



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

TR.C.M.P. (MD) No.268 of 2015 and M.P(MD).No.1 of 2015

WEB COPY

Sangeetha

: Petitioner

Vs.

A. Senthilkumar

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.681 of 2014 from the file of Family Court, Madurai and transferring it to Principal Sub Court, Dindigul to be tried along with HMOP.No.83 of 2015 pending on the file of Principal Sub Court, Dindigul.

For Petitioner : Mr.S. Anand Chandrasekar

For Respondent : Mr.D. Gurusamy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.681 of 2014 from the file of Family Court, Madurai, to Principal Sub Court, Dindigul to be tried along with HMOP.No.83 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 28.08.2010. A male child was born in the wedlock on 28.02.2013. Due to dispute, the respondent forcibly thrown out the petitioner from matrimonial home. The respondent filed HMOP.No.681 of 2014, before the Family Court, Madurai for Dissolution of marriage on the ground of desertion making false allegations. The petitioner also filed HMOP.No.83 of 2015, before the Sub Court, Dindigul for restitution of Conjugal Rights. The petitioner also filed maintenance case under Section 125 CR.P.C, before the Chief Judicial Magistrate, Dindigul and the same is pending.

3. Now, the petitioner is staying with her parents at chinnalapatti, along with minor child. Her parents are aged persons and suffering from old age problems. The distance between Dindigul and Madurai is more than 60 Kms and it is very difficult for the petitioner to travel for each and every hearing at Madurai, along with minor child. Further, she is not having any independent income. The petitioner is only depending on her parents for her day- to-day expenses, including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer HMO.P.No.681 of 2014, from the file of Family Court, Madurai, to Principal Subordinate Court, Dindigul, to be tried along with



5. Heard the learned counsel for the petitioner. The respondent entered appearance through his counsel. After taking several adjournments for filing counter, he has not filed any counter. The counsel for the respondent contended that it will not be difficult for the petitioner, to travel from Dindigul to Madurai, to attend the hearing of HMOP.No.681 of 2014, before the Family Court, Madurai, and he prayed for dismissal of this Transfer C.M.P.

6. Heard the learned counsel appearing for both parties.

7. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. In view of the submissions 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 HMOP.No.681 of 2014 and HMOP.No.83 of 2015 are to be tried together in the same Court. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.681 of 2014, on the file of Family Court, Madurai, is hereby withdrawn and transferred to the file of Principal Subordinate Court, Dindigul, to be tried along with HMOP.No.83 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Judge, Family Court, Madurai, is directed to send the case bundles to the Principal Subordinate Court, Dindigul, 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 Judge,Family Court, Madurai.

2.The Principal Subordinate Judge, Dindigul.

+1cc to M/S.Sarvabhauman Associates in SR.No.20584

Copy to

The Section Officer,

V.R. Section,

Madurai Bench of Madras High Court,Madurai.

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M.P (MD) .No.1 of 2015
12.04.2016

trp

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