



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2016
CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.309 of 2015

and

M.P(MD)No.1 of 2015

A.Nirmala Devi

... Petitioner

Vs.

Saravana Kumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.310 of 2015 pending before the Sub Court, Tambaram and the same may be transferred to the Learned Sub Court Dindigul.

For Petitioner : Mr.R.Jegadeeswaran

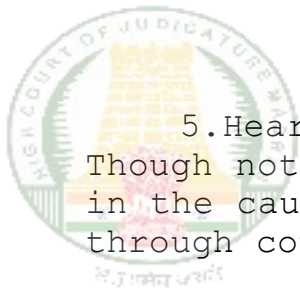
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.310 of 2015, from the file of the Sub Court, Tambaram and transfer the same to the file of Sub Court, Dindigul to be heard along with HMOP No.104 of 2015, on the file of Sub Court, Dindigul.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.09.2003. After marriage, both the petitioner and respondent were living together in matrimonial home. One female child was born in the wedlock on 03.11.2009. Due to misunderstanding, both were living separately. The respondent filed H.M.O.P.No.310 of 2015 for Dissolution of Marriage before the Sub Court, Tambaram. The petitioner filed H.M.O.P.No.104 of 2015 before the Sub Court, Dindigul, for Restitution of Conjugal Rights.

3. Now, the petitioner is residing at No.1, 16-28, A/15, Cheran Street, Gandhi Nagar, Batlagundu-624202, Dindigul District, with her aged parents along with her minor child. The petitioner being a lady finds it very difficult to travel from Batlagundu to Tambaram to attend the each and every hearing of HMOP No.310 of 2015 along with her child.

4.In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.310 of 2015, filed by the respondent/ husband, before the Sub Court, Tambaram, to Sub Court, Dindigul to be tried along with HMOP.No.104 of 2015 filed by the



5. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

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, 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 HMOP filed by the respondent and for hearing the same together.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and HMOP No.310 of 2015, on the file of the Sub Court, Tambaram, is hereby withdrawn and transferred to the file of the Sub Court, Dindigul, to be tried along with H.M.O.P.No.104 of 2015, if the same is not yet disposed of. The learned Sub Judge, Tambaram, is directed to send the case bundles to the Sub 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 (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Tambaram.

2. The Subordinate Judge,
Dindigul.

Copy to:

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

+1cc to Mr. R. Jegadeeshwaran, Advocate SR.No.13932

CN/GJB-DP/SAR1/28.03.2016/2P-5C

Tr.C.M.P (MD) No.309 of 2015 and
M.P (MD) No.1 of 2015