



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.312 of 2015
and
M.P. (MD) .No.1 of 2015

Mareeswari

... Petitioner

Vs.

Senthilkumaran

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.59 of 2015 on the file of the Sub-Court, Mannarkudi to Sub-Court, Paramakudi.

For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.V.Bharathidasan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.59 of 2015 on the file of the Sub-Court, Mannarkudi to Sub-Court, Paramakudi.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.05.2013 as per Hindu rites and customs. Due to dispute between the petitioner and the respondent, the petitioner was thrown out from the matrimonial home on 25.09.2014. The petitioner is residing at Valimarichan Village, Kamuthi Taluk and she filed H.M.O.P.No.47 of 2015 before the Sub-Court, Paramakudi, for divorce and the same is pending. Whiles, the respondent filed H.M.O.P.No.59 of 2015 before the Sub-Court, Mannarkudi, Thiruvarur, for restitution of conjugal rights. The distance between Kamuthi and Mannarkudi is more than 260 kms. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition.

3.According to the petitioner, she is residing with her parents at Ramanathapuram. The petitioner is suffering from various disease and she is taking treatment continuously and therefore, it is very difficult for her to travel such a long distance for every hearing. The petitioner is not having any independent income and she is depending upon her parents.

4.The respondent filed counter affidavit and denied the allegations made by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.I have heard Mr.C.Herold Singh, learned counsel appearing for the petitioner and Mr.V.Bharathidasan, 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.Without deciding the allegations and counter allegations made by both the petitioner and the respondent, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.59 of 2015 pending on the file of the Sub-Court, Mannarkudi is ordered to be withdrawn and transferred to the file of the Sub-Court, Paramakudi, to be tried along with H.M.O.P.No.47 of 2015. The learned Subordinate Judge, Mannarkudi is directed to transmit the entire records pertaining to the case in H.M.O.P.No.59 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 (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Mannarkudi.
- 2.The Subordinate Judge, Paramakudi.
- 3.The Section Officer,
V.R.Section (Records)
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.C.HEROLD SINGH, ADVOCATE IN SR NO. 11732/16
+ 1 CC TO MR.V.BHARATHIDASAN, ADVOCATE IN SR NO. 11672/16

NS

TE/SK-SKN/ : 16/03/2016 : 2P/6C

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