



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.340 of 2015 and
M.P(MD)No.1 of 2015

Dr.T.M.Sangeetha

... Petitioner

Vs.

Dr.S.Vijayanand

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the proceedings in FCOP No.133 of 2015 on the file of the Family Court at Chengalpattu and transfer the same to the Sub Judge, Pudukottai and to be heard along with HMOP No.218 of 2015 on the file of Sub Judge, Pudukottai.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.M.R.Srinivasan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the FCOP No.133 of 2015 on the file of the Family Court at Chengalpattu and transfer the same to the Sub Judge, Pudukottai and to be heard along with HMOP No.218 of 2015 on the file of Sub Judge, Pudukottai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.02.2009 and one child was born in the wedlock. After marriage, both the petitioner and respondent living together in matrimonial home. Due to misunderstanding, both were living separately. The respondent filed FCOP No.133 of 2015 on the file of the Family Court, Chengalpattu for dissolution of marriage. The petitioner filed H.M.O.P.No.218 of 2015 on the file of the Sub Judge, Pudukottai for restitution of conjugal rights.

3. Now, the petitioner is residing at Pudukottai along with her 6 years old child and with her aged parents. The petitioner is a practising doctor working in Pudukottai for maintaining herself and her daughter and it is very difficult for the petitioner to travel each and every hearing along with her child to attend FCOP No.133 of 2015, before the Family Court, Chengalpattu.

4.In such circumstances, the petitioner filed this petition to transfer the aforesaid FCOP No.133 of 2015, filed by the respondent, husband, before the Family Court, Chengalpattu, to Sub Court Pudukottai to be heard along with HMOP No.218 of 2015.



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

6. The learned counsel for the respondent submitted that the petitioner already filed a counter in FCOP No.133 of 2015 and prayed for early disposal.

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 the present case, the petitioner has given valid reason for transferring the FCOP 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.133 of 2015, on the file of the Family Court, Chengalpattu, is hereby withdrawn and transferred to the file of the Sub Court, Pudukottai, to be tried along with H.M.O.P.No.218 of 2015, if the same is not yet disposed of. The learned Family Court Judge, Chengalpattu, is directed to send the case bundles to the Sub Court, Pudukottai, 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.

9. The learned Sub Judge, Pudukottai is directed to hear the FCOP No.133 of 2015 to be tried along with HMOP No.218 of 2015 and same on or before 31st August, 2016.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1. The Family Court,
Chengalpattu.
2. The Sub Court,
Pudukottai.

Copy to: The Section Officer, V.R.Section,
Madurai Bench of Madras High court, Madurai.

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No. 8500
+1CC to Mr.M.R.Sreenivasan, Advocate, SR.No. 8348.

Tr.C.M.P(MD)No.340 of 2015 and
M.P(MD)No.1 of 2015
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