



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.395 of 2015 and M.P(MD).No.1 of 2015

S. Mahalakshmi : Petitioner
Vs.

S. Thiruvengata Rathinam : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in HMOP.No.359 of 2015 from the file of Family Court, Trichirapalli to the file of the Family Court, Madurai.

For Petitioner : Mr.R. Narayanan

For Respondent : Mr.S.C. Herald Singh

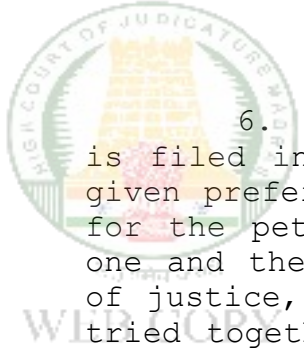
O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.359 of 2015 from the file of Family Court, Trichirapalli, to the file of Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.11.2012, as per Hindu Rites and Customs. A male child was born in the wedlock. The respondent and his family members tortured the petitioner and sent her out from matrimonial home. Now, the petitioner is residing with her parents at Madurai along with two years male baby. The respondent filed HMOP.No.359 of 2015, before the Family Court, Thiruchirapalli, for restitution of conjugal rights.

3. According to the petitioner, her father expired and she is residing with her aged mother at Madurai along with minor child. Further, she is working in Government undertaking Bank at Madurai. The distance between Madurai and Thiruchirapalli is more than 120 Kilometers and it is very difficult for the petitioner to travel for each and every hearing at Trichy, along with minor child. There is no one to accompany her from Madurai to Trichy to attend each and every hearing, before the Family Court, Trichy. In such circumstances, the petitioner filed this petition to transfer IHMOP.No.359 of 2015 from the file of Family Court, Trichirapalli, to the file of the Family Court, Madurai.

4. The learned counsel appearing for the petitioner further submitted that the petitioner filed HMOP.No.13 of 2016, for divorce and the same is pending before the Family Court, Madurai.



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. 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.13 of 2016 and HMOP.No.395 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.359 of 2015 pending on the file of Family Court, Trichirapalli, is hereby withdrawn and transferred to the file of Family Court, Madurai to be tried along with H.M.O.P.No.13 of 2016 filed by the petitioner, if the same is not yet disposed of. The learned Judge, Family Court, Thiruchirapllai, is directed to send the case bundles to the Family Court, Madurai, 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.

To

1. The Judge, Family Court, Trichirapalli
2. The Judge, Family Court, Madurai.

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

+1CC to M/S.R. Narayanan, Advocate, SR.No. 20462
+1CC to M/S.S.C.Herold Singh, Advocate, SR.No. 20373.

TR.C.M.P. (MD) No.395 of 2015 and
M.P(MD).No.1 of 2015
12.04.2016

AM/17.05.2016/2P/6C