



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) Nos.456 and 474 of 2015

and

M.P. (MD) .Nos.1 and 1 of 2015

Tr.C.M.P. (MD) .No.456 of 2015

Vasuki

... Petitioner/Respondent

Vs.

A.Raja

... Respondent/ Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.95 of 2015 on the file of the Subordinate Judge, Aruppukottai, Virudhunagar District to the Court of Subordinate Judge, Thoothukudi, Thoothukudi District.

For Petitioner

:Mr.J.Parekhkumar

For Respondent

:Mr.N.Murugesan

Tr.C.M.P. (MD) .No.474 of 2015

A.Raja

... Petitioner

Vs.

Vasuki

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.138 of 2015 on the file of the learned Subordinate Judge, Thoothukudi and transfer the same to the file of the learned Subordinate Judge, Aruppukottai to try along with H.M.O.P.No.95 of 2015.

For Petitioner

:Mr.N.Murugesan

For Respondent

:Mr.J.Parekhkumar

ORDER

Transfer Civil Miscellaneous Petition No.456 of 2015, is filed by Vasuki to withdraw and transfer the H.M.O.P.No.95 of 2015 on the file of the Subordinate Judge, Aruppukottai, Virudhunagar District



to the Court of Subordinate Judge, Thoothukudi, Thoothukudi District.

2. Transfer Civil Miscellaneous Petition No.474 of 2015, is filed by husband to withdraw H.M.O.P.No.138 of 2015 on the file of the learned Subordinate Judge, Thoothukudi and transfer the same to the file of the learned Subordinate Judge, Aruppukkottai and to try along with H.M.O.P.No.95 of 2015.

3. In Tr.C.M.P.(MD).No.456 of 2015, the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.12.1994 as per Hindu rites and customs. One male and one female child were born in the wedlock. Due to dispute arose between the petitioner and the respondent, the petitioner left the matrimonial home and residing with her mother at Korampallam Village, Thoothukudi District. After the death of her mother, the petitioner was isolated. Thereafter, the petitioner filed H.M.O.P.No.139 of 2015 for restitution of conjugal rights before the Subordinate Court, Thoothukudi. Thereafter, the respondent filed H.M.O.P.No.95 of 2015 for divorce before the Subordinate Court, Aruppukkottai with false allegations.

4. According to the petitioner, she is residing at Korampallam. She is not having any independent income and after the death of her mother, the petitioner was isolated. The distance between Thoothukudi and Aruppukkottai is more than 115 kms and it is very difficult for her to attend each and every hearing. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

5. I have heard Mr.J.Parekhkumar, learned counsel appearing for the petitioner and Mr.N.Murugesan, 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. Accordingly, the Transfer Civil Miscellaneous Petition is ordered and H.M.O.P.No.95 of 2015 pending on the file of the Subordinate Court, Aruppukkottai, Virudhunagar District is ordered to be withdrawn and transferred to the file of the Subordinate Court, Thoothukudi, Thoothukudi District to be tried along with H.M.O.P.No.138 of 2015. The learned Subordinate Judge, Aruppukkottai, Virudhunagar is directed to transmit the entire records pertaining to the case in H.M.O.P.No.95 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.

8. In view of the order passed in Tr.C.M.P.(MD).No.456 of 2015, the relief sought for in this petition cannot be granted. Accordingly, Tr.C.M.P.(MD).No.474 of 2015 is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

Ns

To

1. The Subordinate Judge,
Aruppukkottai,
Virudhunagar District.

2. The Subordinate Judge,
Thoothukudi,
Thoothukudi District.

+2 cc to Mr.N.Murugesan, Advocate, SR Nos.15644 & 15643

+1 cc to Mr.J.Parekhkumar, Advocate, SR No.15246

Tr.C.M.P (MD) Nos.456 and 474 of 2015
and

M.P. (MD) .Nos.1 and 1 of 2015
17.03.2016

RG.AAL-MPA/SAR-I 29.03.2016 3P/6C