



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2016

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.(MD)No.485 of 2015 and
Tr.C.M.P(MD)No.107 of 2016
and
M.P(MD)No.1 of 2015 and
C.M.P(MD)No.1826 of 2016

Tr.C.M.P(MD)No.485 of 2015

Mrs.Vethavalli @ Ammu ... Petitioner/Respondent/Wife

Vs.

D.Jegadeesh ... Respondent/Petitioner/Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the petition in HMOP No.1374 of 2015, on the file of the Family Court, Coimbatore to the file of the Family Court at Trichy.

For Petitioner : M/S.T.Banumathy

For Respondent : Mr.S.Subbaiah

Tr.C.M.P(MD)No.107 of 2016

D.Jegadeesh ... Petitioner/Respondent

Vs.

Vethavalli @ Ammu ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the proceedings in H.M.O.P.No.449 of 2015 now pending on the file of the Family Court, Trichirappalli and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.S.Subbaiah

For Respondent : M/S.T.Banumathy

**COMMON ORDER**

Since the issue involved in both the petitions are one and the same and the parties are one and the same, they were heard together and disposed of by this common order.

2.Tr.C.M.P(MD)No.485 of 2015 is filed by wife and Tr.C.M.P(MD) No.107 of 2016 filed by husband. Both parties are referred as husband and wife. The marriage between the parties was solemnized on 13.03.2009. After the marriage, both were living together in the matrimonial home at Sundarapuram, Coimbatore. They have no issues. Due to that, the husband's mother created problem and started quarrelling and tortured the wife. Therefore, the husband left the wife at her parent's house on 04.10.2014. The husband filed H.M.O.P.No.1374 of 2015 before the Family Court, Coimbatore, for divorce. The wife filed H.M.O.P.No.449 of 2015, before the Family Court, Trichirappalli for Restitution of Conjugal Rights.

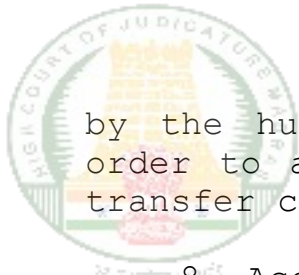
3. The petitioner in Tr.C.M.P(MD)No.485 of 2015 is wife residing at Trichy along with her parents. She is not having any independent income. The distance between Trichy and Coimbatore is about 300 kms and it will take 8 hours to reach Coimbatore. The wife is not having any support and not having any independent income for her day today expenses including travel expenses. She has also stated that it will not be difficult for the husband to attend the hearing at Trichy.

4.In the above circumstances, wife filed Tr.C.M.P(MD)No.485 of 2015 to transfer the aforesaid HMOP No.1374 of 2015 filed by the Husband before the Family Court, Coimbatore to Family Court, Trichirappalli to be tried along with HMOPNo.449 of 2015 filed by wife.

5.The learned counsel appearing for the husband submitted that he is working as Finance Coordinator under Jayachandran Alloys (P) Ltd., and he is dealing with finance, it will be very difficult for him to appear before the Family Court, Trichy. He further submitted that the petitioner already filed a counter in H.M.O.P.No.1374 of 2015 and prayed for early disposal.

6.Heard the learned counsels appearing for the parties.

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, 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 husband/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, the Tr.C.M.P(MD)No.485 of 2016 is allowed and H.M.O.PNo.1374 of 2015, on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Family Court, Trichy, to be tried along with H.M.O.P.No.449 of 2015, if the same is not yet disposed of. The learned Family Court Judge, Coimbatore, is directed to send the case bundles to the Family Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petitions are closed.

9. In view of the order passed in Tr.C.M.P(MD)No.485 of 2015, the Tr.C.M.P(MD)No.107 of 2016 is dismissed.

10. The learned Family Court Judge, Trichy is directed to hear the H.M.O.P.No.449 of 2015 to be tried along with HMOP No.1374 of 2015 and dispose the same in any event not later than 31st December, 2016.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court,
Coimbatore

2. The Judge, Family Court,
Trichy.

+ 1 CC TO M/S.T.BANUMATHY, ADVOCATE IN SR NO. 20037

+ 2 CC TO M/S.S.SUBBIAH, ADVOCATE IN SR NO. 20456, 20455

AM

TE/SKS-RR/ : 29/04/2016 : 3P/6C

Tr.C.M.P. (MD)No.485 of 2015 and
Tr.C.M.P (MD)No.107 of 2016
and

M.P (MD)No.1 of 2015 and
C.M.P (MD)No.1826 of 2016

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