



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P(MD).No.159 of 2016

and

C.M.P(MD)No.2729 of 2016

Priyadharshini

.. Petitioner

Vs.

Vigneshkumar

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.94 of 2015 on the file of the Subordinate Court, Udumalpet and to transfer the same to Sub Court, Palani or any other competent Court.

For Petitioner : Mr.N.S.Ramakrishnadass

For Respondent : Mr.S.Karthik

ORDER

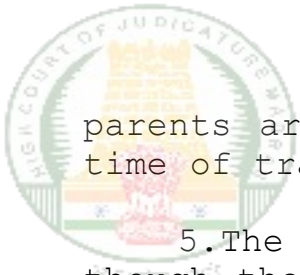
This transfer petition is filed to withdraw H.M.O.P.No.94 of 2015 from the file of the Sub Court, Udumalpet, and transfer to the file of the Sub Court, Palani, for joint trial.

2. According to the petitioner, she was married to the respondent on 18.01.2013 as per Hindu rites and customs at Prasanna Vinayakar Temple at Udumalpet. Out of the lawful wedlock, a male child by name, Rishivanth was born on 07.02.2014. The petitioner is an MBA and M.Com., graduate and the respondent is working as a professor, in a private college at Dindigul. He subsequently developed illicit intimacy with another lady, when it was questioned by the petitioner, he abused and thrown out her from the house. It is further alleged that the respondent has also demanded dowry and harassed the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is the resident of Palani and she has filed H.M.O.P.No.1 of 2016 before the Sub Court, Palani, against the respondent for restitution of conjugal rights, while so, the respondent has filed H.M.O.P.No.94 of 2015 before the Sub Court, Udumalpet for divorce.

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

4. It is further submitted that she cannot travel for more than 100 kilometre to defend the case filed by the respondent. Her



parents are senior citizens and they cannot accompany her at the time of travelling and there is no male to accompany her.

5. The learned counsel for the respondent would submit that though the petitioner is a native of Palani, she is working as a teacher in a private school at Udumalpet and the petitioner has not made out case for transfer.

6. It is settled law that in matrimonial cases, in case of transfer applications, the convenience of wife has to be given preference.

7. In such view of the matter, this Transfer Civil Miscellaneous Petition is allowed. The learned sub Judge, Udumalpet is directed to transmit the entire records in H.M.O.P.No.94 of 2015 to the file of the Sub Court, Palani, within a period of two weeks from the date of receipt of a copy of this order, after obtaining the records on transfer, the learned Sub Judge, Palani, shall try both cases jointly and dispose of the same as expeditiously as possible. Consequently, connected miscellaneous petition is closed. No costs.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1. The Subordinate Judge, Udumalpet.
2. The Subordinate Judge, Palani.

+1CC to M/S.N.S.Ramakrishnadass, Advocate, SR.No. 46438

+1CC to M/S.S.Karthik, Advocate, SR.No. 45954

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and

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PJL

AM/SK.SKN/SAR-I/16.09.2016/2P/5C