



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.174 of 2016 and C.M.P(MD).No.3161 of 2016

Selvi @ Chennama : Petitioner

Vs.

Duraikannan : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.603 of 2015 from the file of Family Court, Madurai and transfer the same to the file of Ist Additional Family Court, Chennai.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : No appearance

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case case in HMOP.No.603 of 2015 from the file of Family Court, Madurai and transfer the same to the file of I Additional Family Court, Chennai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.12.2008, as per Hindu Rites and Customs. Two male children were born in the wedlock on 27.10.2009 and 21.12.2011 respectively. Due to the dispute, both are living separately. The respondent filed HMOP.No.603 of 2015 before the Family Court, Madurai, for divorce. The petitioner filed M.C.No.446 of 2015, before the I Additional Family Court, Chennai, seeking for maintenance.

3. According to the petitioner, she is residing at Perambur, Chennai along with two children and the children are studying at Sri Bala Vidyalaya School, Perambur, Chennai. The distance between Madurai and Perambur is more than 450 Kilometers and it is very difficult for the petitioner to travel such a long distance to attend HMOP.No.603 of 2015, on the file of Family Court, Madurai, along with two minor children. In such circumstances, the petitioner filed this petition to withdraw the case from HMOP.No.603 of 2015 from the file of Family Court, Madurai and transfer the same to the file of I Additional Family Court, Chennai, to be tried along with MC.No.446 of 2015.



4. Heard the learned counsel for the petitioner. Despite service of notice and his name is printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

5. 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 H.M.O.P.No.603 of 2015 and M.C.No.446 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.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.603 of 2015, pending on the file of the Family Court, Madurai, is hereby withdrawn and transferred to the file of I Additional Family Court, Chennai, to be tried along with M.C.No.446 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Judge, Family Court, Madurai, is directed to send the case bundles to the I Additional Family Court, Chennai, 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(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Madurai

2. The Judge, Ist Additional Family Court, Chennai.

+One cc to Mr.R.Pon Karthikeyan, Advocate, SR.No.22641

Copy to:-

The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court, Madurai

trp

RL/5C/2P/SKS/RR/SARI/1/6/2016