



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P. (MD) .No.186 of 2016

and

C.M.P. (MD) .No.3300 of 2016

P.Kiruthiga

.. Petitioner

vs.

M.Padmanaban

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case pending in H.M.O.P.No.344 of 2014 from the file of the III Additional Sub-Court, Madurai and transfer the same to the learned Sub-Court, Gudiyatham, Vellore District to try along with H.M.O.P.No.1 of 2015.

For Petitioner :Mr.K.Muthumalai

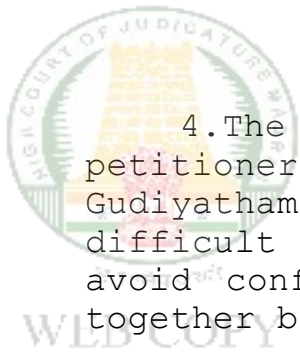
For Respondent :Mr.AR.Jeyarhuthran

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case pending in H.M.O.P.No.344 of 2014 from the file of the III Additional Sub-Court, Madurai and transfer the same to the learned Sub-Court, Gudiyatham, Vellore District, to try along with H.M.O.P.No.1 of 2015.

2.Heard Mr.K.Muthumalai, learned counsel appearing for the petitioner and Mr.AR.Jeyarhuthran, learned counsel appearing for the respondent and perused the materials available on record.

3.The petitioner is the wife of the respondent. The marriage of the petitioner with the respondent was performed on 29.06.2011 at S.M.S.Mahal, Madurai. She has alleged that the respondent and his parents demanded money, however, she was not able to meet their demands, so the respondent filed H.M.O.P.No.344 of 2014 before the Additional Subordinate Court, Madurai, for divorce. The petitioner further stated that she has filed H.M.O.P.No.1 of 2015 before the Subordinate Court, Gudiyatham, for restitution of conjugal rights.



4.The learned counsel for the petitioner would submit that the petitioner is the resident of Gudiyatham and the distance between Gudiyatham and Madurai is more than 600 KM and it is very difficult for her to travel such a long distance and further to avoid conflicting judgment, both the petitions have been tried together before the same Judge.

5.The learned counsel for the respondent would submit that the respondent is working as a Sale Representative at Trichy and if the case is transferred to Gudiyatham, his livelihood would be affected.

6.It is seen that the wife has already filed H.M.O.P.No.1 of 2015 against the respondent for restitution of conjugal rights. As rightly contended by the learned counsel for the petitioner in the interest of justice and to avoid conflicting judgment, both the petitions have been tried together before the same Judge. Further, the convenience of the wife has been given preference in the cases of matrimonial disputes.

7.In such view of the matter, the transfer civil miscellaneous petition is allowed. The petition in H.M.O.P.No.344 of 2014 pending on the file of the III Additional Sub-Court, Madurai, is ordered to be withdrawn and transferred to the file of the learned Sub-Court, Gudiyatham, Vellore District , to be tried along with H.M.O.P.No.1 of 2015.

8.The learned III Additional Sub-Court, Madurai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.344 of 2014 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. No costs. Consequently, the connected C.M.P is also closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS)

To

1.The III Additional Subordinate Judge, Madurai.

2.The Subordinate Judge, Gudiyatham, Vellore District.

+1cc to Mr.K.Muthumalai, Advocate, Sr.No.32531

ns

JM/SK-SKN/SAR-II/04.07.2016/2P-4C

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and

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