



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.08.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P(MD) .No.253 of 2016
and
C.M.P (MD)No.5150 of 2016

Sivakamy

.. Petitioner

Vs.

Parthiban

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.OP.No.899 of 2014 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Mr.C.Deepak

For Respondent : Mr.G.S.Asok Adhithyan

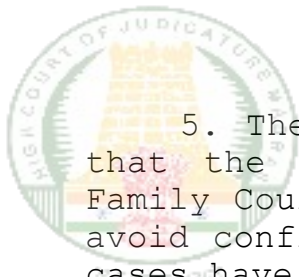
ORDER

This petition is filed seeking transfer of H.M.O.P.No.899 of 2014, from the file of the Family Court, Madurai, to the file of the Family Court, Sivagangai.

2. The petitioner is the wife of the respondent. The marriage between them was solemnised on 20.08.2010 at RMR Marriage Hall at Sivagangai, as per Hindu rites and customs. Out of the lawful wedlock, one female child was born on 21.06.2012.

3.According to the petitioner, she was harassed by the respondent and her in-laws from the inception of the marriage, but with false and frivolous allegations, the respondent filed H.M.O.P.899 of 2014 for restitution of conjugal rights before the Family Court, Madurai.

4. Mr.C.Deepak, learned counsel for the petitioner would submit that the petitioner is an young lady, aged 23 years and she is having a custody of 3 years old baby. The parents of the petitioner are senior citizens and they are also suffering from ailments, so the petitioner cannot travel from her native place to Madurai to defend the case filed by the respondent.



5. The learned counsel for the petitioner would further submit that the petitioner has filed H.M.O.P.No.31 of 2016 before the Family Court, Sivagangai, against the respondent for divorce and to avoid conflicting judgments and in the interest of justice both the cases have to be tried by the same Judge.

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6. When the case was taken up for hearing on 19.08.2016, there was no representation for the respondent. So, the matter is posted under the caption "for orders" today. Even today, there is no representation for the respondent.

7. It is settled law that in the cases arising out of the matrimonial disputes, convenience of the wife has to be given preference.

8. In such view of the matter, this Transfer Civil Miscellaneous Petition is allowed. The learned Judge, Family Court, Madurai is directed to transfer the records in H.M.O.P.No.899 of 2014 to the file of the Family Court, Sivagangai, within a period of two weeks from the date of receipt of a copy of this order, and after obtaining the records on transfer, the transferee Judge is directed to try both cases jointly and dispose of the same as expeditiously as possible. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Family Court, Sivagangai.

+ 1 CC TO Mr.C.DEEPAK, ADVOCATE IN SR No. 47086

PJL

TE/CK : 21/09/2016 : 2P/4C

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and
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