



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.27 of 2016 and
C.M.P(MD)No.617 of 2016

Abinaya

... Petitioner

Vs.

Yogeskumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP.No.4690 of 2015 from the file of the Family Court, Chennai, to Family Court, Madurai, to be tried along with HMOP.No.27 of 2016.

For Petitioner : Mr.B. Anandan
For Respondent : Mr. S. Paramasivan

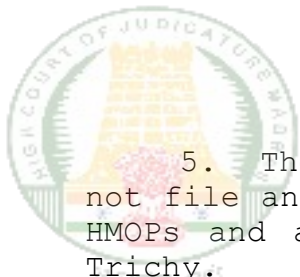
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.4690 of 2015 from the file of the Family Court, Chennai, to Family Court, Madurai, to be tried along with HMOP.No.27 of 2016.

2. The case of the petitioner is that the respondent by threatening the petitioner married her on 07.12.2015. Within two days, i.e on 09.12.2015, she escaped from the hands of the respondent and now she is residing with her parents at Madurai. She gave a complaint before the Inspector of Police, All Women Police Station, Tallakulam, Madurai, on 10.12.2015, to take action against the respondent, for threatening the petitioner. On receipt of summon, from the Inspector of Police, the respondent filed HMOP.No.4690 of 2015, before the Family Court, Chennai, for restitution of conjugal rights. The petitioner filed HMOP.No.27 of 2016 before the Family Court, Madurai seeking for a direction to cancel the alleged marriage as void.

3. According to the petitioner, she is staying with her old age parents at Madurai. The petitioner is 24 years old and it is very difficult for her to travel from Madurai to Chennai, which is about 450 Kms, for each and every hearing. Further, the petitioner is not having any independent income and she is only depending on her parents for her day- to-day expenses, including travel expenses. The petitioner is having life threat in the hands of the respondent.

4. In such circumstances, the petitioner has filed this petition to transfer HMO.P.No.4690 of 2015, from the file of Family Court, Chennai, to Family Court, Madurai, to be tried along with HMOP.No.27 of 2016.



5. The respondent entered appearance through his counsel and he did not file any counter. He requested this court for early disposal of both HMOPs and also prayed for transfer of both the HMOPs to Family Court, Trichy.

WEB COPY

6. Heard the learned counsel appearing for both 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. 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, to avoid conflicting decisions and in the interest of justice, both H.M.O.P.No.4690 of 2015 and HMOP.No.27 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.4690 of 2015 pending on the file of the Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.27 of 2016 filed by the petitioner, if the same is not yet disposed of. The learned Judge, Family Court, Chennai, is directed to transmit the entire records pertaining to the case in HMOP.No.4690 of 2015 to the transferee Court within a week from the date of receipt of copy of this order. On receipt of the same, the learned Judge, Family Court, Madurai, is directed to dispose of both the HMOPs as expeditiously as possible in any event not later than 31st July 2016. 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(R)

/True Copy/

Sub Assistant Registrar.

To

1. The Judge, Family Court, Chennai.
2. The Judge, Family Court, Madurai.

Copy to: The Section Officer
V.R.Section,
Madurai Bench of Madras High court, Madurai

+1CC to Mr.S.Deenadhayalan, Advocate, SR.No. 9666
+1CC to Mr.So.Paramasivam, Advocate, SR.No. 9571

Tr.C.M.P (MD) No.27 of 2016 and
C.M.P (MD) No.617 of 2016
18.02.2016