



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TR.C.M.P. (MD) .No.307 of 2016

and

C.M.P. (MD) No.5619 of 2016

T.Sharmisri

.. Petitioner/Respondent

Vs.

S.Senthilkumar

.. Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.197 of 2015 on the file of the Principal Subordinate Court, Trichy and to transfer to said case to the file of the Additional Subordinate Court, Thanjavur and tried the case jointly with H.M.O.P.No.236 of 2015 on the file same.

For Petitioner	: Mr.T.A.Punithan
For Respondent	: Mr.K.M.Karunakaran

O R D E R

This Transfer Civil Miscellaneous petition is filed by the petitioner/wife to withdraw H.M.O.P.No.197 of 2015 from the file of the Principal Subordinate Court, Thiruchirappalli and to transfer the same to the Additional Subordinate Court, Thanjavur, for joint trial along with H.M.O.P.No.236 of 2015.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the records.

3. The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 28.10.2012 at R.A.Marriage Hall, Thirukattupalli in Thiruvaiyaru Taluk as per the Hindu rites and customs. During the wedlock, a male child Visakapriyan born on 28.05.2014.

4. According to the petitioner, due to the matrimonial dispute, the petitioner and the respondent were living apart and the petitioner filed H.M.O.P.No.236 of 2015 against the respondent for restitution of conjugal rights. The respondent filed



H.M.O.P.No.197 of 2015 before the Principal Subordinate Court, Thiruchirappalli for divorce.

5. Mr.T.A.Punithan, learned counsel for the petitioner would submit that the petitioner is an young lady and she is having the custody of her two years old son. The petitioner and her minor son are totally depending upon her aged parents and they are struggling for their livelihood. So, she cannot travel for about 100 Kilometers to defend the case filed in Thanjavur.

6. Per contra, the learned counsel for the respondent would submit that the case is filed in the year 2015 and the petitioner has already engaged an Advocate in Trichy and filed her counter. So, at this stage, the petition need not be transferred.

7. It is settled law and in the cases arise out of matrimonial disputes, the convenience of the wife shall be given preference.

8. In such view of the matter, the petition is allowed and the petition in H.M.O.P.No.197 of 2016 is ordered to be withdrawn from the file of the learned Principal Subordinate Judge, Thiruchirappalli and transferred to the file of the learned Additional Subordinate Judge, Thanjavur.

9. The learned Principal Subordinate Judge, Thiruchirappalli is directed to transmit the entire records to the file of the learned Additional Subordinate Judge, Thanjavur, within a period of two weeks from the date of receipt of a copy of this order and the learned Additional Subordinate Judge, Thanjavur, after obtaining the records on transfer, is directed to dispose the matter as expeditiously as possible. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Thiruchirappalli.
2. The Additional Subordinate Judge, Thanjavur.

+ 1 CC TO Mr.T.A.PUNITHAN, ADVOCATE IN SR No. 46664

PMU

TE/PV : 23/09/2016 : 2P/4C

TR.C.M.P. (MD) .No.307 of 2016
and

C.M.P. (MD) No.5619 of 2016
23.08.2016