



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TR.C.M.P. (MD) .No.338 of 2016

and

C.M.P. (MD) No.6402 of 2016

D.Vinitha

.. Petitioner/Respondent

Vs.

M.Dharmaraj

.. Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.77 of 2016 on the file of the Subordinate Court, Ponneri, and transfer the same to the file of the Subordinate Court, Theni and be jointly tried along with the H.M.O.P.No.95 of 2016 on the file of Subordinate Court, Theni

For Petitioner	: Mr.S.Kadarkarai
For Respondent	: No Appearance

O R D E R

This Transfer Civil Miscellaneous petition is filed to withdraw H.M.O.P.No.77 of 2016 from the file of the Subordinate Court, Ponneri and to transfer the same to the Subordinate Court, Theni, to be tried along with H.M.O.P.No.95 of 2016.

2. The petitioner is the wife of the respondent and the marriage was solemnized between them on 13.04.2014 at Gopichettipalayam, Erode District. In the said wedlock, a female child was born to them on 03.04.2015.

3. Heard the learned counsel appearing for the petitioner and perused the records.

4. There is no representation for the respondent.

5. It is the case of the petitioner that the married life was not happy and the respondent was complaining even for trivial issues and also treated her with cruelty. While so, the respondent filed H.M.O.P.No.77 of 2016 before the Subordinate Court, Ponneri



against the petitioner for divorce with false and frivolous allegations.

6. Mr.S.Kadarkarai, learned counsel for the petitioner would submit that the petitioner is now residing with her parents along with her one year child at Bodinayakkanur, Theni and she has also filed H.M.O.P.No.95 of 2016 before the Subordinate Court, Theni, against the respondent for restitution of conjugal rights. It is further submitted that the petitioner is a home maker and she cannot travel about 600 kilometers to Chennai to defend the case filed by the respondent and to avoid conflicting Judgment, both the cases have to be tried by the same Judge.

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 In such view of the matter, the petition is allowed and the petition in H.M.O.P.No.77 of 2016 is ordered to be withdrawn from the file of the learned Subordinate Judge, Ponneri and transferred to the file of the learned Subordinate Judge, Theni for joint trial along with H.M.O.P.No.95 of 2016.

9. The learned Subordinate Judge, Ponneri is directed to transmit the entire records to the file of the learned Subordinate Judge, Theni for joint trial along with H.M.O.P.No.95 of 2016, within a period of two weeks from the date of receipt of a copy of this order and the learned Subordinate Judge, Theni, 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(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Court, Ponneri.
2. The Subordinate Court, Theni.

+1 cc to M/s.S.Kadarkarai, Advocate in SR.No.42804

+1 cc to M/s.D.Anandan, Advocate in SR.No.43533

pmu

CSL/SS-3/31.08.2016: 2p/5c

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