



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 08.02.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.43 of 2016 and  
M.P(MD).No.876 of 2016

Kaviarasan

... Petitioner

Vs.

Sathya

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code r/w. Order Rule 1(2) of CPC to withdraw and Transfer I.A.No.2242 of 2015 in un-numbered HMOP(SR).No.13578 of 2015 on the file of Family Court, Chennai and clubbed along with HMOP.No.81 of 2015 on the file of the Family Court, Dindigul for joint trial.

For Petitioner  
For Respondent

: Mr. B. Anandan  
: Mr. R.N. Mohideen Basha

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and Transfer I.A.No.2242 of 2015 in un-numbered HMOP(SR).No.13578 of 2015 on the file of Family Court, Chennai and to be tried along with HMOP.No.81 of 2015 on the file of the Family Court, Dindigul for joint trial.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 22.02.2015. Due to some mis-understanding between them, the respondent / wife left the matrimonial home. Hence, the petitioner has filed HMOP.No.81 of 2015 before the Family Court, Dindigul, for restitution of conjugal rights. While so, the respondent has filed HMOP.SR.No.13578 of 2015 before the Family Court, Chennai seeking for divorce.

3. Now, the petitioner has filed the present petition to transfer HMOP.SR.No.13578 of 2015, from the file of Family Court, Chennai, to the file of Family Court, Dindigul, to be tried along with HMOP.No.81 of 2015 stating that most of the proceedings have already been completed at Family Court, Dindigul.

4. The learned counsel appearing for the respondent strongly objected to transfer HMOP.SR.No.13578 of 2015 and prayed for dismissal of the Transfer CMP.

5. Heard the learned counsel appearing for both parties.

6. At the time of arguments, the learned counsel appearing for the petitioner submitted that HMOP.NO.81 of 2015 may be transferred to Family Court, Chennai, to be tried along with HMOP(SR).No.13578 of 2015 on the file of Family Court, Chennai, and seeks early disposal of the HMOPs.



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.

8. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed and HMOP.No.81 of 2015 pending on the file of Family Court, Dindigul, is transferred to Family Court, Chennai, to be tried along with HMOP(SR).No.13578 of 2015 on the file of the Family Court, Chennai, if the same is not yet disposed of. The learned Judge, Family Court, Dindigul, is directed to send back the case bundles to the Family Court, Chennai, within a week from the date of receipt of a copy of this order and on receipt of the same, the learned Judge, Family Court, Chennai is directed to dispose of the same, as expeditiously as possible preferably on or before 31.07.2016. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(R)

/True Copy/

Sub Assistant Registrar.

To

1. The Family Court, Chennai
2. The Family Court, Dindigul

+1CC to Mr.B.Anandan, Advocate, SR.No. 7540  
+1CC to Mr.N.Mohideen Basha, Advocate, SR.No. 7616

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AM/16.02.2016/NGM.SS/AR-II/2P/5C