

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.237 of 2015  
and M.P.No.1 of 205

A.Viji ... Petitioner

Vs.

P.Arun Babu .... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.5 of 2015 on the file of the Sub-Court, Harur and transfer the same to the Family Court, Dharmapuri, to be tried along with F.C.H.M.O.P.No.17 of 2015 on the file of the Family Court, Dharmapuri.

For petitioner : Mr.M.Selvam

For respondent : No appearance

ORDER

Out of the wed-lock between the petitioner-wife and the respondent-husband, there are two children to them. It is stated that now the petitioner is residing in her parents' house with children. The petitioner-wife filed F.C.H.M.O.P.No.17 of 2015 before the Family Court, Dharmapuri, for restitution of conjugal rights. The respondent-husband filed H.M.O.P.No.5 of 2015 before the Sub-Court, Harur, for divorce. The petitioner's father takes care of the petitioner and her children. It is the grievance of the petitioner-wife that she finds it difficult to accompany her father also to the Court hearings in Harur. Hence, the petitioner has filed this Tr.C.M.P. for transfer of H.M.O.P.No.5 of 2015 from the Sub-Court, Harur, to the Family Court, Dharmapuri. Though the respondent had been served with notice and his name also having been printed in the cause list, there is no representation for the respondent either in person or through counsel. Taking into consideration the above said grievance of the petitioner and that in Transfer cases, the convenience of the wife is of primordial importance, that too, in matrimonial proceedings and so as to avoid multiplicity of

proceedings and conflict of decisions, the Tr.C.M.P. is ordered and H.M.O.P.No.5 of 2015 pending on the file of the Sub-Court, Harur, shall stand withdrawn and transferred to the file of the Family Court, Dharmapuri, to be tried along with F.C.H.M.O.P.No.17 of 2015. No costs. The Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cs  
Copy to

1. The Sub-Judge,  
Harur.
2. The Judge,  
Family Court, Dharmapuri.

+1cc to M/S.M.Selvam, Advocate Sr.12465

Tr.C.M.P.No.237 of 2015

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srg 15/03/2017



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