



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

CORAM:

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. (MD) Nos.14 to 16 of 2017 and
C.M.P (MD) Nos.641 to 643 of 2016

U. Jayasree ... Petitioner in all the Tr.C.M.Ps

Vs.

P.Prabu ... Respondent in all the Tr.C.M.Ps

Petitions filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.Nos.686 and 730 of 2014 and M.C.No.110 of 2014, on the file of the Family Court, Madurai, and transfer the same to the file of the Subordinate Court, Sivagangai, for disposal, by allowing these petitions.

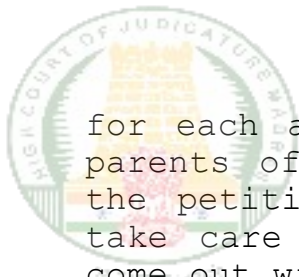
For Petitioner : Mr.G.Aravinthan
(in all the Tr.C.M.Ps)

For Respondent : Mr.R.Sevugaraja
(in all the Tr.C.M.Ps)

COMMON ORDER

The petitioner/wife has come before this Court seeking to withdraw the case in H.M.O.P.Nos.686 & 730 of 2014 and M.C.No.110 of 2014 on the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Sivagangai.

2.The petitioner and the respondent/husband got married on 08.09.2011 at Madurai. After the marriage, both were living together as husband and wife in the matrimonial home at Madurai, in a joint family. A female child was born on 27.06.2012 in the wedlock. Due to misunderstanding, they are living separately. In the meantime, the respondent filed H.M.O.P.No.686 of 2014 before the file of Family Court, Madurai, for divorce. While so, the petitioner filed H.M.O.P.No.730 of 2014 before the Family Court, Madurai, for restitution of conjugal rights and she has also filed M.C.No.110 of 2014 before the Family Court, Madurai, seeking a sum of Rs.15,000/- per month towards maintenance. Now, the petitioner/wife is residing along with her parents and her child at Sivagangai. The distance between Sivagangai and Madurai is more than 50 Kilometers and there is no male assistance to accompany her



for each and every hearing of the case at Madurai. Further, the parents of the petitioner are suffering from various ailments and the petitioner is not having any independent source of income to take care of their day-to-day affairs. Hence, the petitioner has come out with the present petitions for the relief stated supra.

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3. Heard the learned Counsel for the petitioner/wife and the learned counsel for the respondent/husband and perused the materials available on record.

4. Since the petitioner/wife is living along with her parents and her child at Sivagangai, it is very difficult for a lady to travel for about 50 Kilometers from Sivagangai to Madurai, for every hearing. The place of residence of the petitioner/wife is the appropriate place for trying the cases and it is a settled law that convenience of the wife should be given preference.

5. Therefore, H.M.O.P.Nos.686 and 730 of 2014 and M.C.No.110 of 2014 on the file of the Family Court, Madurai, are withdrawn and transferred to the Principal Subordinate Court, Sivagangai.

6. Accordingly, the Transfer Civil Miscellaneous Petitions are ordered as above. No costs. Consequently, the connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Madurai.
2. The Principal Subordinate Judge, Sivagangai.

+ 1 CC TO Mr.G.ARAVINTHAN, ADVOCATE IN SR No. 16542

SSS

TE/SV-MMS/SAR-II : 06/04/2017 : 2P/4C

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