



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2017

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CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD) Nos.31 and 28 of 2017

&

C.M.P(MD) Nos.939 and 959 of 2017

D.Tharangini ... Petitioner/Respondent/Wife
In Tr.C.M.P.No.31 of 2017

Vs.

S.Sudhakar ... Respondent/Petitioner/Husband
In Tr.C.M.P.No.31 of 2017

S.Sudhakar ... Petitioner/Respondent
In Tr.C.M.P.No.28 of 2017

Vs.

D.Tharangini ... Respondent/Petitioner
In Tr.C.M.P.No.28 of 2017

Prayer in Tr.C.M.P.No.31 of 2017: Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the original petition in H.M.O.P.No.649 of 2015 from the file of the District Family Court, Madurai to the file of the Sub Court, Perambalore to be heard along with H.M.O.P.No. 1 of 2017 on the file of the Sub Court, Perambalore.

Prayer in Tr.C.M.P.No.28 of 2017: Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the original petition in H.M.O.P.No. 1 of 2017 from the file of the Sub Court, Perambalore to the file of Family Court, Madurai to be heard along with H.M.O.P.No.649 of 2015.

In Tr.C.M.P.No.31 of 2017

For Petitioner : Ms.A.M.Renuka
For Respondent : Mr.S.Ramasamy

In Tr.C.M.P.No.28 of 2017

For Petitioner : Mr.S.Ramasamy
For Respondent : Ms.A.M.Renuka

**COMMON JUDGMENT**

The husband has filed Tr.C.M.P.No.28 of 2017 seeking to transfer H.M.O.P.No.1 of 2017 from the file of the Sub Court, Perambalore to the file of Family Court, Madurai to be heard along with H.M.O.P.No.649 of 2015. The wife has filed Tr.C.M.P.No.31 of 2017 seeking to transfer H.M.O.P.No.649 of 2015 on the file of the District Family Court, Madurai to the file of the Sub Court, Perambalore to be heard along with H.M.O.P.No. 1 of 2017.

2. Heard both parties and perused the records.

3. The marriage between the parties took place on 16.05.2012 and out of the wedlock, a child was born and thereafter, dispute arose between the parties and they have been living separately. Therefore, the husband filed H.M.O.P.No.649 of 2015 seeking divorce before the Family Court, Madurai and the wife has filed H.M.O.P.No. 1 of 2017 on the file of the Sub Court, Perambalore seeking restitution of conjugal rights. Since both husband and wife filed separate Transfer petition before this Court, the common judgement is delivered by this Court.

4. The wife namely the petitioner in Tr.C.M.P.No.31 of 2017 is living with her parents with a child aged about 2 years and it is not possible for her to travel from Perambalore to Madurai covering about 170 kms for every hearing. With regard to transfer of petition in matrimonial cases, convenience of women should be given importance, that too, the petitioner in Tr.C.M.P.No.31 of 2017 is living with her parents. Considering all these aspects, Tr.C.M.P.No.31 of 2017 is allowed. The learned Judge, Family Court, Madurai is directed to transmit the entire records in H.M.O.P.No.649 of 2015 to the file of the Sub Court, Perambalore within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Subordinate Judge, Perambalore, is directed to try H.M.O.P.No.649 of 2015 along with H.M.O.P.No.1 of 2017 and dispose of the same as expeditiously as possible. In view of the above said order, Tr.C.M.P.No.28 of 2017 filed by the husband is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/Tru Copy/

Sub Assistant Registrar



To

1.The District Family Court, Chennai.

2.The Sub. Court, Perambalor.

+1cc to Ms.A.M.Renuka, Advocate Sr.No.11745

+1cc to Mr.S.Ramasamy ,Advocate Sr.No.11850

CM

VB/MR/SAR3/12.04.2017/3P/5C

**TR.CMP(MD) Nos.31 and 28 of 2017
and
C.M.P (MD) Nos.939 and 959 of 2017**

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