

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

WEB COPY

TR.CMP(MD)No.432 of 2016
& C.M.P(MD)No.8625 of 2016

T.Bharathi

... Petitioner

Vs.

K.Thangavadivel

... Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to transfer H.M.O.P.No.96 of 2016 from the file of the Sub Court, Theni to Family Court, Madurai.

For Petitioner : Mr.Sivananthan

For Respondent : Mr.R.Ramasamy

JUDGMENT

The wife has come before this Court seeking transfer of H.M.O.P.No. 96 of 2016 from the file of the Sub Court, Theni to Family Court, Madurai, where H.M.O.P.NO.816 of 2016 filed by the petitioner/wife for restitution of conjugal rights is pending.

2. Both the petitioner and the respondent got married on 18.05.2012. For the past two years, they are living separately, which would lead to file the above proceedings by the parties. The petitioner has approached this Court only to transfer the proceeding initiated by the husband.

3. Heard both sides and perused the records.

4. Since the wife is living with her parents, she is unable to travel from Madurai to Theni nearly 120 kms for every hearing. Considering the position of law that in matrimonial case, the place of residence of women should be given preference, this transfer petition is allowed and the entire records in H.M.O.P.No. 96 of 2016 from the file of the Sub Court, Theni is directed to be transmitted to the file of the Family Court, Madurai within a period of two weeks from the date of receipt a copy of this order to be tried along with H.M.O.P.NO.816 of 2016. On such receipt, the learned Judge, Family Court, Madurai, is directed to try both the cases together and dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar



To

1. The Judge,
Family Court, Madurai.

2. The Judge,
Subordinate Court, Theni.

+1 cc to M/R.T.SIVANANTHAN, Advocate, SR.NO:11789

+1 cc to M/R.R.RAMASAMY. Advocate, SR.NO:11884

CM

SVA/BS/22.03.2017/2P/5C

TR.CMP(MD) No.432 of 2016
& C.M.P(MD) No.8625 of 2016
1.3.2017