

Preethi Vs. Kamaraj

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Court : Chennai Madurai

Decided On : Apr-22-2016

Judge : The Honourable Ms. Justice V.M. Velumani

Appeal No. : TR.C.M.P.(MD) No. 51 of 2016 & C.M.P(MD).No. 1083 of 2016

Appellant : Preethi

Respondent : Kamaraj

Judgement :

(Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.218 of 2015 from the file of Sub Court, Kancheepuram and transfer the same to the file of Principal Sub-Court, Dindigul to be tried along with HMOP.No.9 of 2016, on the file of the Principal Sub Court, Dindigul.)

1. The Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.218 of 2015 from the file of Sub Court, Kancheepuram and transfer the same to the file of Principal Sub-Court, Dindigul to be tried along with HMOP.No.9 of 2016.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.07.2014. A male child was born in the wedlock on 15.06.2015. After marriage, the respondent used to quarrel without any reason and treated the petitioner cruelly. The petitioner forced to leave the matrimonial home and she is residing at

her parents house with her minor child. The respondent did not come and see the petitioner and child. Therefore, she filed HMOP.No.9 of 2016, for restitution of conjugal rights, before the Principal Sub Court, Dindigul. While so, the respondent filed HMOP.No.218 of 2015 on the file of Sub Court, Kancheepuram, for divorce.

3. According to the petitioner, she is residing at Chinnalapatti, near Dindigul. The distance between Chinnalapatti and Kancheepuram is more than 350 Kilometers and it is very difficult for the petitioner to travel such a long distance to attend HMOP.No.218 of 2015, before the Sub Court, Kancheepuram. Further, the petitioner is not having any independent income and she is depending on her parents for her day to day expenses including travelling expenses. In such circumstances, the petitioner filed this petition to withdraw the case in HMOP.No.218 of 2015 from the file of Sub Court, Kancheepuram and transfer the same to the file of Principal Sub Court, Dindigul to be tried along with HMOP.No.9 of 2016.

4. Heard the learned counsel for the petitioner. Despite service of notice, and his name is printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

5. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both H.MO.P.No.218 of 2015 and HMOP.No.9 of 2016 are to be tried together in the same Court. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

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