

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.259 of 2014

M.P.No.1 of 2014

P.Jagadeesh Pandian

.. PETITIONER

Vs

1. D.Selvarathina

2. Minor Sandriya

rep. by her natural guardian and
mother D.Selvarathina

... RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in M.C.No.13 of 2014 pending on the file of the Judicial Magistrate, Sivakasi and transfer the same to the file of the learned Additional Judge, Family Court, Chennai.

For petitioner : Mr.R.C.Manoharan

For Respondents : Mr.A.Prabhakaran

O R D E R

The petitioner is the husband. He filed HMOP.No.339 of 2014 on the file of the learned I Additional Judge, Family Court, Chennai for divorce.

2. The 1st respondent-wife resides at Sivakasi along with her minor child-2nd respondent and the 1st respondent filed M.C.No.13 of 2014 on the file of the learned Judicial Magistrate, Sivakasi under Section 125 of Cr.P.C. for maintenance for herself and for her minor child.

3. This petition is filed to transfer M.C.No.13 of 2014 from the file of the learned Judicial Magistrate, Sivakasi to the file of the learned I Additional Judge, Family Court, Chennai.

4. I am not inclined to issue any direction transferring M.C.No.13 of 2014 from the file of the learned Judicial Magistrate, Sivakasi to the file of the learned I Additional Judge, Family Court, Chennai, since the same would cause serious prejudice to the 1st respondent, particularly, when the 1st respondent is also taking care

of her minor child. It is well settled that in matrimonial disputes, preference shall be given to the wife with respect to the place of hearing.

5. In the result, the Civil Revision Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

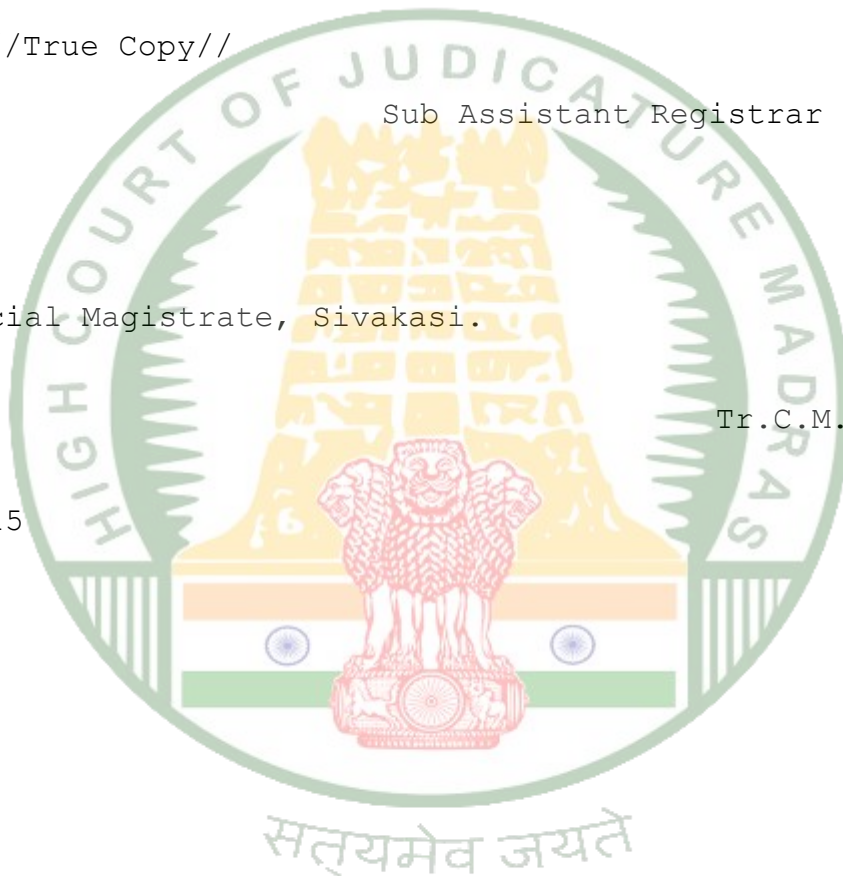
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To

The Judicial Magistrate, Sivakasi.

Tr.C.M.P.No.259 of 2014

EV(CO)
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