



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.121 of 2014 and
M.P(MD)No.1 of 2014

Nancy Usha ... Petitioner

Vs.

Justin Suresh ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw D.O.P.No.44 of 2014 from the file of IV Additional District Court, Tirunelveli and transfer the same to the file of Principal District Court at Nagercoil.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw D.O.P.No.44 of 2014 from the file of IV Additional District Court, Tirunelveli and transfer the same to the file of Principal District Court at Nagercoil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.05.2011. A male child was born on 25.05.2012. The respondent treated the petitioner with cruelty both physically and mentally. Therefore, she gave a complaint before the concerned police against the respondent and filed M.C.No.26 of 2012 claiming maintenance. The learned Judicial Magistrate No.I, Kulithurai ordered an interim maintenance of Rs.10,000/- per month. The respondent filed O.P.No.44 of 2014 for divorce before the learned IV Additional District Judge, Tirunelveli with false allegations.

3.Now, the petitioner is residing at Chemparuthivilai, Kanyakumari District along with her parents. It is very difficult for the petitioner to travel each and every hearing to attend D.O.P.No.44 of 2014 before the IV Additional District Court, Tirunelveli. She is not having independent income and she is depending on her parents for her day-to-day expenses including travelling expenses.



4. In such circumstances, the petitioner filed this petition to transfer the aforesaid D.O.P.No.44 of 2014, filed by the respondent husband, before the IV Additional District Court, Tirunelveli to the Principal District Court, Nagercoil.

5. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

6. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and D.O.P.No.44 of 2014, on the file of the IV Additional District Court, Tirunelveli, is hereby withdrawn and transferred to the file of the Principal District Court, Nagercoil, if the same is not yet disposed of. The learned IV Additional District Judge, Tirunelveli, is directed to send the case bundles to the Principal District Court, Nagercoil, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To

1. The IV Additional District Judge,
The IV Additional District Court,
Tirunelveli.

2.The Principal District Judge,
The Principal District Court,
Nagercoil.

Copy to: The Section officer, V.R.Section, Madras High Court of Madurai Bench, Madurai.

+1CC to M/s.N.Dilip Kumar, Advocate SR39090.

Am:SH:14/08/2015:P2/5C

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