



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.140 of 2014
and
M.P(MD)No.1 of 2014

Mahalakshmi @ Ivanjalin

... Petitioner

Vs.

Raman @ Joseph Raman

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw I.D.O.P.No.46 of 2013 on the file of Principal District Court, Pudukottai and transfer the same to the District Court, Theni.

For Petitioner : Mr.R.Manimaran

For Respondent : Mr.C.Arulvadivel @ Sekar

ORDER

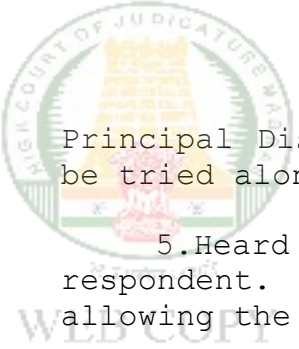
The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.46 of 2013 on the file of Principal District Court, Pudukottai and transfer the same to the District Court, Theni.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 24.02.2011 at Nadar Uravinmurai Thirumana Mahal as per Christian Rites and Customs. At the time of marriage, the petitioner's father gave 10 sovereign of gold jewels, wood cot and other articles. The petitioner's father arranged Rs.15,00,000/- and settled the loan borrowed by the respondent. After that the respondent and his parents started cruelty on the petitioner and demanding more money.

3.The respondent thrown out the petitioner from the matrimonial home and now she is residing with her parents. While so, the respondent filed I.D.O.P.No.46 of 2013 before the Principal District Court, Pudukottai for dissolution of Marriage. The petitioner filed I.D.O.P.No.13 of 2013 before the District Court, Theni for Restitution of Conjugal Rights. The petitioner is an unemployed lady and residing with her parents with two years old male child. The distance between the Theni and Pudukottai is more or less 200 kms. She is finding it very difficult to travel such a long distance from Theni to Pudukottai along with her child without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Theni.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Now, the petitioner/wife filed this petition to transfer the aforesaid I.D.O.P.No.46 of 2013 filed by the respondent/Husband before the



Principal District Court, Pudukottai to the District Court, Theni, and to be tried along with I.D.O.P.No.13 of 2013.

5. Heard the learned counsel appearing for the petitioner and for the respondent. The learned counsel for the respondent has opposed for allowing the petition.

6. 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. In order to avoid conflicting of decisions and interest of justice, the petitioner is prayed for transfer of the I.D.P.No.46 of 2013 on the file of the Principal District Court, Pudukottai to the file of the District Court, Theni to be tried along with I.D.O.P.No.13 of 2013.

7. It is well settled law that whenever, the transfer application 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.46 of 2013 on the file of the Principal District Court, Pudukottai is hereby withdrawn and transferred to the file of the District Court, Theni to be tried along with I.D.O.P.No.13 of 2013 filed by the petitioner, if the same is not yet disposed of. The learned Principal District Court, Pudukottai is directed to send the case bundles to the Court of the District Court, Theni, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar(C.S.)

To
1. The Principal District Judge,
Pudukottai.

2. The District Judge, Theni.

+1cc to Mr.C.ARUL VADIVEL @ SEKAR, Advocate, in SR. No. 20858

TS/08.05.2015/2P-4C

Tr.C.M.P. (MD) No.140 of 2014

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