



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.152 of 2014 and
M.P(MD)No.1 of 2014

S.Priyadarshini

... Petitioner

Vs.

V.Hilbert

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in I.D.O.P.No.1460 of 2014 on the file of the III Family Court, Chennai and transfer it to the Family Court, Madurai.

For Petitioner : Mr.K.Samidurai

For Respondent : Mr.S.Palanivelayutham

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the I.D.O.P.No.1460 of 2014, pending on the file of III Family Court at Chennai and transfer the same to any competent Court at Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.08.2013 as per Christian Rites and Customs. Due to misunderstanding, the respondent filed I.D.O.P.No.1460 of 2014, before the III Family Court, Chennai for divorce.

3. Now, the petitioner is residing at Madurai along with her parents. The distance between the Madurai and Chennai is 500 kms. The petitioner's father and mother are teachers and they are unable to accompany the petitioner to attend H.M.O.P.No.1460 of 2014, before the III Family Court, Chennai. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.1460 of 2014, filed by the respondent husband, before the III Family Court, Chennai, to Family Court, Madurai.

5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel and he did not file any counter.

7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1460 of 2014, on the file of the III Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family



Court, Madurai, if the same is not yet disposed of. The learned III Family Court Judge, Chennai, is directed to send the case bundles to the Family Court, Madurai, 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/-

The Assistant Registrar(RTI)

/True copy/

Sub-Assistant Registrar

To

1. The Judge III Family Court, Chennai.
2. The Judge Family Court, Madurai.

+1cc to Mr.K.Samidurai, Advocate SR.no.39315

+1cc to Mr.S.Palanivelayutham, Advocate SR.No.39586

copy to:The section Officer,VR section,
Madurai Bench of Madras High court, Madurai

am

Sm:IV:5.08.2015:2P/6C

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