



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.208 of 2014 and
M.P(MD)No.1 of 2014

Celine Sharmila @ Sharmila

... Petitioner
Vs.

Matharasan Samuvel

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the D.O.P.No.35 of 2013, on the file of the Principal District Judge, Nagapattinam and transfer the same to Principal District Judge, Trichy.

For Petitioner : Mr.S.Muniyandi
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the D.O.P.No.35 of 2013, on the file of the Principal District Judge, Nagapattinam and transfer the same to Principal District Judge, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.10.2011, as per Christian Rites and Customs. After marriage, both the petitioner and the respondent were living together in matrimonial home at Chennai. Due to misunderstanding, the respondent filed D.O.P.No.35 of 2013, before the Principal District Court, Nagapattinam for Dissolution of marriage. The petitioner filed I.D.O.P.No.42 of 2014, before the Principal District Court, Trichy for Restitution of Conjugal Rights.

3. Now, the petitioner is residing at Trichy along with her parents. The distance between Trichy and Nagapattinam is more than 400 kms and it is very difficult for the her to travel each and every hearing to attend D.O.P.No.35 of 2013, before the Principal District Court, Nagapattinam. 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 D.O.P.No.35 of 2013, filed by the respondent husband, before the Principal District Court, Nagapattinam, to Principal District Court, Trichy, to be tried along with I.D.O.P.No.42 of 2014.

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. 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 D.O.P.No.35 of 2013 and I.D.O.P.No.42 of 2014, 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and D.O.P.No.35 of 2013, on the file of the Principal District Court, Nagapattinam, is hereby withdrawn and transferred to the file of the Principal District Court, Trichy, to be tried along with I.D.O.P.No.42 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned Principal District Judge, Nagapattinam, is directed to send the case bundles to the Principal District Court, Trichy, 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 Principal District Judge,
The Principal District Court, Nagapattinam.

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

+One cc to M/s.S.Muniyandi, Advocate, SR.No.39692

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

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RL/5 c- 6/8/2015

Tr.C.M.P(MD)No.208 of 2014 and
M.P(MD)No.1 of 2014