



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.229 of 2014

and

M.P(MD)No.1 of 2014

Jemi Mahima Christy

... Petitioner

Vs.

S.Jones Kirubakaran

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer I.D.O.P.No.140 of 2014 on the file of the Principal District Court, Nammakkal to be tried along with I.D.O.P.No.12 of 2014 on the file of Principal District Court, Theni.

For Petitioner : Mr.D.Sadiq Raja

For Respondent : Mr.K.Sekar

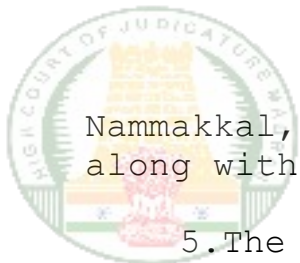
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer I.D.O.P.No.140 of 2014 on the file of the Principal District Court, Nammakkal to be tried along with I.D.O.P.No.12 of 2014 on the file of Principal 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 25.07.2013 as per the Christian Customs in the "Assemblies of God" Church, Devanankurichi, Tiruchankodu Taluk, Nammakkal District. The said marriage is a second marriage for both the petitioner and the respondent. Due to some misunderstanding, the respondent left the petitioner at her parents house. The petitioner gave a complaint before the All Women Police Station, Theni and file a petition in I.D.O.P.No.12 of 2014 before the Principal District Court, Theni for restitution of conjugal rights. While so, the respondent filed I.D.O.P.No.140 of 2014 before the Principal District Court, Nammakkal for divorce.

3. The petitioner is residing in her parental house with her aged mother. She has to look after her aged mother. The distance between the Theni and Nammakkal is about 240 kms and it will take 5 hours to reach Nammakkal from Theni. The petitioner is not having any support and she is not having any independent income for her day today expenses including travelling expenses. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Theni.

<https://hcservices.e4quint.gov.in/hcservices>
In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid I.D.O.P.No.140 of 2014 filed by the respondent/Husband before the Principal District Court,



Nammakkal, to the Principal District Court, Theni to be tried along with I.D.O.P.No.12 of 2014.

5. The learned counsel for the respondent represented that the respondent is working in Nammakkal and he is residing there. The petitioner has given several complaints against the respondent in Theni. The counsel for the respondent submits that the respondent will be put great hardship if the petition is transferred to Theni and therefore, prayed for dismissal of Tr.C.M.P.

6. Heard the learned counsel for the petitioner and for the respondent.

7. The petitioner being a lady is finding it very difficult to travel from Theni to Namakkal to attend hearing leaving the aged mother. On the other hand, the respondent due to his employment staying at Namakkal submits that he will be put to hardship if petition is transferred to District Court, Theni which is 240 k.ms from Namakkal. In the circumstances, it will be in the interest of justice and convenience of both the parties, both the petitions filed by petitioner and respondent are transferred to some common place i.e., District Court, Dindigul.

8. Accordingly, this Transfer Civil Miscellaneous Petition is ordered and I.D.O.P.No.140 of 2014 on the file of the Principal District Court, Nammakkal and I.D.O.P.No.12 of 2014, on the file of the Principal District Court, Theni are hereby withdrawn and transferred to the file of the Principal District Court, Dindigul to be tried together. The learned Principal District Court, Nammakkal and Principal District Court, Theni are directed to send the case bundles in I.D.O.P.No.140 of 2014 and I.D.O.P.No.12 of 2014 to the Court of the Principal District Court, Dindigul, 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(Per.Admn)

/True copy/

sub Assistant Registrar

To

1.The Principal District Court, Nammakkal

2.The Principal District Court, Theni.

3.The Principal District Court, Dindigul.

+one cc to M/s.D.Sadiqraja, Advocate, SR.No.22030

+One cc to Mr.K.Sekar, Advocate, SR.No.21241

COPY TO: THE SECTION OFFICER, V.R.SECTION

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI