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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.257 of 2014 and
M.P (MD) No.1 of 2014

S.Selvarani ... Petitioner

Vs.

P.Anthonraj ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the original petition in I.D.O.P.No.67 of 2014 on the file of Principal District Judge, Villupuram, and to transfer the same to the file of the Principal District Judge, Thoothukudi.

For Petitioner : Mr.J.David Ganesan
For Respondent : Mr.R.R.Kannan
Mr.A.Hariharan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the original petition in I.D.O.P.No.67 of 2014 on the file of Principal District Judge, Villupuram, and to transfer the same to the file of the Principal District Judge, Thoothukudi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.12.2013, as per Christian Marriage Act. Due to misunderstanding, the petitioner gave a complaint before the All Women Police Station, Tiruchendur. The respondent filed I.D.O.P.No.67 of 2014 before the Principal District Court, Villupuram to declare the marriage as null and void.

3. Now, the petitioner is residing at Tuticorin along with her parents. The petitioner is depending on her parents for her day-to-day expenses including travel expenses. The distance between Tuticorin and Villupuram is more than 600 kms and it is very difficult for the petitioner to travel each and every hearing before the Principal District Court, Villupuram.



4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.67 of 2014, filed by the respondent husband, before the Principal District Court, Villupuram.

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5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel and he did not file any counter. The learned counsel for the respondent represented that the IDOP is of the year 2014 and prayed for a direction to the Principal District Judge, Tuticorin to dispose the IDOP at the earliest.

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. Further, the petitioner has given valid reason for Transfer. 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.67 of 2014, on the file of the Principal District Court, Villupuram, is hereby withdrawn and transferred to the file of the Principal District Court, Thoothukudi, if the same is not yet disposed of. The learned Principal District Judge, Villupuram, is directed to send the case bundles to the Principal District Court, Tuticorin, 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.

9. The IDOP is of the year 2014, the learned Principal District Judge, Tuticorin is directed to dispose the IDOP No.67 of 2014 as expeditiously as possible, in any event, not later than 31st December 2015.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Court, Tuticorin.

2. The Principal District Court, Villupuram.

Copy To: The Section Officer, VR Section,

Madurai Bench of Madras High Court, Madurai

+1cc to MR.J.David Ganesan, Advocate Sr.No.39659

+1cc to MR.R.R.Kannan, Advocate Sr.No.39190

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