



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.268 of 2014 and
M.P(MD)No.1 of 2014

Jeba Sheela

... Petitioner

Vs.

S.Johnson
S/o.Mr.Selvaraj,
No.120, Vasantha Nagar,
Airport, Trichy-7
(Cause title amended side order
dt.23/4/15 made in MP2/14 in
Tr.CMP 268/14)

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in I.D.O.P.No.21 of 2014 on the file of the Family Court, Trichy and transfer the same to the District Court, Kanyakumari at Nagercoil which competent to try the matter.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : No appearance

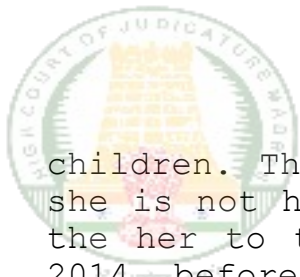
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.21 of 2014, on the file of the Family Court, Trichy and transfer the same to the District Court, Kanyakumari at Nagercoil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.08.2008, as per Christian Rites and Customs. After marriage, both the petitioner and respondent were living together in a matrimonial home. Two children were born in the wedlock. Due to misunderstanding, both are living separately. The petitioner filed maintenance case before the District Munsif-cum-Judicial Magistrate, Eraniel in M.P.No.15 of 2011. After that, the respondent filed I.D.O.P.No.101 of 2010 before Additional District Court, Fast Track Court -II, Tiruchirappalli for dissolution of marriage. The said IDOP was transferred to Family Court, Trichy and renumbered as IDOP No.21 of 2014.

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

3. Now, the petitioner is residing at Kanyakumari along with her



children. The distance between Trichy and Kanyakumari, is 400 km and she is not having any independent income and it is very difficult for her to travel each and every hearing to attend I.D.O.P.No.21 of 2014, before the Family Court, Trichy. The petitioner is depending on her parents for her day-to-day expenses including travel expenses and educational expenses of her children.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid I.D.O.P.No.21 of 2014, filed by the respondent husband, before the Family Court, Trichy, to District Court, Kanyakumari District at Nagercoil.

5. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.21 of 2014, on the file of the Family Court, Trichy, is hereby withdrawn and transferred to the file of the District Court, Kanyakumari District at Nagercoil, if the same is not yet disposed of. The learned Family Judge, Trichy, is directed to send the case bundles to the District Court, Kanyakumari District at Nagercoil, 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 Judge,
The Family Court, Trichy.
2. The District Judge,
The District Court,
Kanyakumari District at Nagercoil.

+1 c.c.to M/s.C.K.M.Appaji Advocate, SR No.39328

am

SH:27.07.2015:P2/4C