



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.301 of 2014 and
M.P.(MD).No.1 of 2014

C. Benedick Peter

: Petitioner

Vs.

H. Pauline Prathiba

: Respondent

Prayer:

This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in IDOP.No.55 of 2014 pending on the file of Principal District Court, Thanjavur to the file of learned Principal District Judge, Thiruchirappalli.

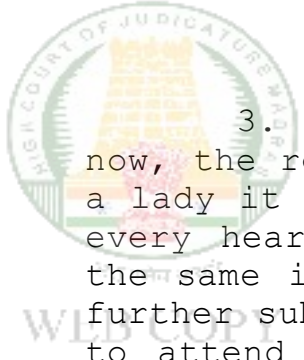
For Petitioner : Mr.S.K. Mani

For Respondent : Mr. J.R. Rajan

O R D E R

The petitioner, husband who is the respondent in IDOP.No.55 of 2014, filed this petition to transfer the IDOP.No.55 of 2014 from the file of Principal District Court, Thanjavur, to Principal District court, Thiruchirappalli.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 07.06.2010, as per Christian Rites and Customs at CSI. St. Paul's Church, Woraiyur, Tiruchirappalli. Due to mis-understanding between the parties, both are living separately. The respondent filed IDOP.No.55 of 2014 on the file of Principal District Court, Thanjavur, for dissolution of marriage. The petitioner has come out with the present petition, on the ground that the marriage took place in the Tiruchirappalli City Corporation Limits, hence, the District Court, Thiruchirappalli only has jurisdiction to entertain the Divorce Petition as per the Divorce Act. No cause of action has arisen before the jurisdiction of District Court, Thanjavur. Hence, he prayed for transferring the IDOP.No.55 of 2014 pending on the file of Principal District Court, Thanjavur to Principal District Court, Thiruchirappalli.



3. The learned counsel for the respondent contended that now, the respondent is residing at Thanjavur. The respondent being a lady it will be difficult for her to go to Trichy, for each and every hearing, for attending the case in IDOP.No.55 of 2014, if the same is transferred to Principal District Court, Trichy. He further submitted that it will not be difficult for the petitioner to attend hearing at Principal District Court, Thanjavur and he prayed for dismissal of this petition.

4. Heard the learned counsel appearing for both parties.

5. The Court on which the petitioner seeks transfer of IDOP.No.55 of 2014 from the file of Principal District Court, Thanjavur, to Principal District court, Thiruchirappalli, on the ground that Principal District Court, Thanjavur has no jurisdiction to entertain IDOP, as the marriage took place at Trichy is not valid one. Admittedly, the respondent / wife is residing at Thanjavur and the convenience of wife must be given preference, so that the petitioner, husband can prosecute the matter effectively in the Principal District Court, Thanjavur.

6. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Principal District Court, Thanjavur

The Principal District Court, Thiruchirappalli.

+1 CC TO M/S J.R.RAJAN ADVOCATE IN SR NO.31746

Trp

te:24/07/2015:2p/4c

TR.C.M.P.(MD) No.301 of 2014 and
M.P.(MD).No.1 of 2014
17.06.2015