



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.392 of 2014 and
M.P(MD)No.1 of 2014

Christin Sheela

... Petitioner/Respondent

Vs.

Rosario S. Anthonysamy

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the IDOP.No.14 of 2014 from the file of the Principal District Court, Theni to the Principal Subordinate Court, Tiruchirapalli.

For Petitioner : Mr.G.S. Ashok Adhithyan
For Respondent : Mr. M. Vinoth Singh Misra

ORDER

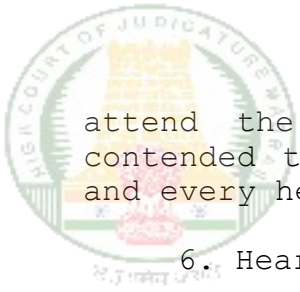
The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer IDOP.No.14 of 2014 from the file of the Principal District Court, Theni, to the Principal Subordinate Court, Tiruchirapalli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 31.08.1995, as per Christian Rites and Customs. A female child was born in the wedlock on 12.11.1996. Subsequently, the child died. Thereafter, the respondent and her family members tortured the petitioner and forced to leave the matrimonial home.

3. Now, the petitioner is staying with her parents. Her mother is mentally not well. Father is aged about 75 years old. Due to the old age and mental ill health, they are unable to move, without others help. The petitioner got employment and joined as Secondary Grade Teacher at Keeranoor, Punitha Middle School. Subsequently, on 21.04.2014, she met with an accident. After accident, she requested the school authorities to transfer from Keeranoor to Trichy. On coming to know the accident and mental condition of the petitioner, the respondent filed IDOP.NO.14 of 2014, before the Principal District Court, Theni, for divorce, with false allegations.

4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid IDOP. No.14 of 2014 filed by the respondent/husband before the Principal District Court, Theni to the Principal Subordinate Court, Trichy.

<https://hcservices.courts.gov.in/hcservices/> 5. The respondent has not filed any counter affidavit, denying the various allegations made by the petitioner. The learned counsel for the respondent contended that it will not be difficult for the petitioner to



attend the hearing at Principal District Court, Theni. He further contended that there is no necessity for the petitioner to attend each and every hearing and hence, prayed for dismissal of this Transfer CMP.

6. Heard the learned counsel appearing for the parties.

7. Admittedly, the petitioner is residing at Trichy with her parents and employed as Secondary Grade Teacher at Trichy, it will be difficult for the petitioner / wife to travel from Trichy to Theni to attend each and every hearing before Principal District Court, Theni, has considerable force.

8. 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.

9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and IDOP.No.14 of 2014 on the file of the Principal District Court, Theni is hereby withdrawn and transferred to the file of the Principal Subordinate Court, Trichirappalli, if the same is not yet disposed of. The learned Principal District Judge, Theni is directed to send the case bundles to the learned Principal District Judge, Trichirappalli 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.

Trp

Sd/-

Assistant Registrar[Writs]

/True copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Trichy.

2. The Principal District Judge, Theni.

+1 cc to Mr.G.S.Asok Adhithyan, Advocate SR.No.29462.

+1 cc to Mr.D.Selvanayagam, Advocate SR.No. 29684.

Tr.C.M.P (MD) No.392 of 2014 and
M.P (MD) No.1 of 2014

Dated:09.06.2015

2P/5C

RPB 10.07.2015