



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.397 of 2014

M.P. (MD) .No. 1 of 2014

Joise Kohila : Petitioner

Vs.

Moses Muralidharan : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in IDOP.No.5 of 2014 on the file of the Principal District and Sessions Court, Erode and transfer the same to the Principal District and Sessions Court, Dindugal, Dindugal District.

For Petitioner : Mr.C.D. Johnson

For Respondent : Mr. D. Venkatesh

ORDER

This petitioner, who is the respondent in IDOP.No.5 of 2014 filed this petition, to transfer IDOP.No.5 of 2014 on the file of the Principal District and Sessions Court, Erode to the Principal District and Sessions Court, Dindugal, Dindigul District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 19.08.2012, as per Christian Rites and Customs. There is no issue in the wedlock. After marriage, the respondent and his mother tortured the petitioner and demanding dowry and therefore, she left from matrimonial home. In the circumstances, the respondent / husband filed IDOP.No.5 of 2014, before the Principal District and Sessions Court, Erode, for divorce, on false allegations.

3. Now, the petitioner is staying with her parents house at Dindigul. Her parents are aged persons and suffering from old age problems. The distance between Dindigul and Erode is about 120 Kms and it is very difficult for her to attend each and every hearing at Erode. There is no one to accompany her from Dindugal to Erode to attend each and every hearing, before the Principal District and Sessions Court, Erode. Further, she is depending on her parents for day to day expenses, including travel expenses.



4. The learned counsel for the petitioner submitted that the respondent is an influential person and having money and muscle power and therefore, there is every danger to her life and limb. Further, the respondent is working as a Conductor in Tamil Nadu State Transport Corporation Limited (Kovai Region) and he is having free bus pass for travelling.

5. The learned counsel for the respondent represented that the petitioner has filed counter statement in IDOP.No. 5 of 2014, pending before the Principal District and Sessions Court, Erode, stating that the respondent is working as a teacher and made false allegations against him in the counter affidavit. Hence, prayed for dismissal of this petition.

6. Heard the learned counsel appearing for the parties.

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. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, the Transfer CMP is allowed and IDOP No. of 2014 pending on the file of the Principal District and Sessions Court, Erode is ordered to be withdrawn and transferred to the file of the Principal District and Sessions Court, Dindigul. The learned Principal District and Sessions Judge, Erode, is directed to transmit the entire records pertaining to the case in IDOP No.5 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order. 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

\\True copy\\

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Erode
2. The Principal District and Sessions Judge, Dindigul

+1cc to Mr.D.Venkatesh, Advocate Sr.No.28822

+1cc to Mr.C.D.Johnson, Advocate Sr.No.28442

trp

akm/PRV/2P-5C/22.06.15