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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.402 of 2014 and
M.P(MD).No.1 of 2014

Vijiselvi

... Petitioner

Vs.

V. Balamurugan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw G.O.P.No.86 of 2014 pending on the file of the Principal District Court, Thanjavur, and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr. S. Sivailaiyaraja
For Respondent : Mr. P. Natarajan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer G.O.P.No.86 of 2014, from the file of Principal District Court, Thanjavur, to Family Court, Chennai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.03.2001, as per Hindu Rites and Customs. After marriage, both were living together in matrimonial home at Bangalore. A male child was born on 29.10.2002, in the wedlock. Subsequently, they shifted to Chennai. Due to mis-understanding, the petitioner left the matrimonial home. The respondent came to her parents house and threatened her with knife. Therefore, she gave a complaint before the Saidapet Police Station. In order to avoid criminal proceedings, he filed G.O.P.No.86 of 2014, on the file of Principal District Court, Thanjavur.



3. Now, the petitioner is staying with her son at Chennai and her son is studying at Bostan International School, Chennai. The distance between Chennai and Thanjavur is about 300 Kms and it is very difficult for her to attend each and every hearing at Thanjavur along with her minor son.

4. In such circumstances, the petitioner filed this petition to transfer G.O.P.No.86 of 2014, from the file of Principal District Court, Thanjavur, to Family Court, Chennai.

5. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner, to travel from Chennai to Thanjavur to attend G.O.P.No.86 of 2014, before the Principal District Court, Thanjavur, and he prayed for dismissal of this Transfer C.M.P.

6. Heard the learned counsel appearing for both 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 G.O.P.No.86 of 2014, pending on the file of Principal District Court, Thanjavur, is ordered to be withdrawn and transferred to the file of Family Court, Chennai. The learned Principal District Judge, Thanjavur, is directed to transmit the entire records pertaining to the case in GOP.No.86 of 2014, to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. 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(crl.sidg)

/True copy/
Sub-Assistant Registrar



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To

1. The Principal Judge, Family Court, Chennai
2. The Principal District Court, Thanjavur.

+1cc MR. S. SIVAILAIYARAJA ADVOCATE IN SR.35377

+1CC MR.P. NATARAJAN ADVOCATE IN SR.35724

COPY TO

THE SECTION OFFICER, VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

trp

sdr: 24.07.2015 :3p/6c

Tr.C.M.P(MD)No.402 of 2014 and
M.P(MD) .No.1 of 2014
02.07.2015