



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.422 of 2014
and
M.P(MD)No.1 of 2014

B.Jaba Priya

... Petitioner

Vs.

Dr.C.Theophilus Anand Kumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the G.W.O.P.No.17 of 2014 on the file of the Learned District Judge, Tiruvanamalai and transfer the same to the Learned Principal District Judge, Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Palanivelayutham
For Respondent : Mr.S.Anand Chandrasekar for
M/s.Sarvabhuman Associates

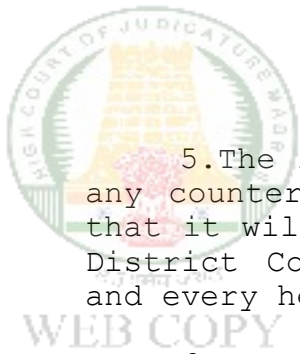
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the G.W.O.P.No.17 of 2014 on the file of the Learned District Judge, Tiruvanamalai and transfer the same to the Learned Principal District Judge, Nagercoil, Kanyakumari District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.05.1998 as per Christian Rites and Customs. Two children were born in the wedlock. Both the children are studying in CSI Matriculation Higher Secondary School, Nagercoil. Son of the petitioner is studying 12th standard and daughter is studying 7th standard. Due to misunderstanding, the petitioner and the respondent are living separately. The petitioner is a Doctor and practicing at Nagercoil. The children are residing with petitioner at Nagercoil and studying at Nagercoil.

3. While so, the respondent filed G.W.O.P.No.17 of 2014 before the District Court, Tiruvanamalai for custody of the children. The distance between the Nagercoil and Tiruvanamalai is more than 500 kms. The petitioner being a lady and it is very difficult for her to attend each and every hearing before the District Court, Tiruvanamalai leaving her practice. Both the children are studying at Nagercoil. The respondent is residing at Chennai with an ulterior motive, he has filed a petition in G.W.O.P.No.17 of 2014 before the District Court, Tiruvanamalai.

4. In the above circumstances, the petitioner/wife has filed this petition before the District Court, Tiruvanamalai to transfer the aforesaid G.W.O.P.No.17 of 2014 filed by the respondent/Husband pending before the District Court, Tiruvanamalai to the Principal District Court, Nagercoil.



5.The respondent entered appearance through counsel. He did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner to attend the hearing at District Court, Tiruvanamalai. The petitioner need not appear for each and every hearing and therefore, prayed for dismissal of the Tr.C.M.P.

6.Heard the learned counsel appearing for the petitioner and the respondent.

7.Admittedly, both the children are studying at Nagercoil and the petitioner is a doctor practicing at Nagercoil. Being a lady, it is very difficult for her to travel such a long distance along with minor children. The preference must be given to convenience of wife. Further the respondent is residing at Chennai. Therefore, It will not be difficult for the respondent to travel to Nagercoil and appear before the Principal District Court, Nagercoil.

8. For the above reasons, this Transfer Civil Miscellaneous Petition is allowed and G.W.O.P.No.17 of 2014 on the file of the District Court, Tiruvanamalai, is hereby withdrawn and transferred to the file of the Principal District Court, Nagercoil, if the same is not yet disposed of. The learned District Judge, Tiruvanamalai, is directed to send the case bundles to the Principal District Judge, Nagercoil, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar (Per Admn)

/True Copy/

Sub Assistant Registrar

To

1.The District Judge, Tiruvanamalai.

2.The Principal District Judge, Nagercoil.

+1cc to MR.S.PALANIVELAYUTHAM, Advocate in SR.No. 32378

+1cc to M/S.SARVABHAUMAN, ASSOCIATES, in SR.No. 32907

Am

SR/SJW : 10.07.2015 : 2p/5c

Tr.C.M.P. (MD)No.422 of 2014
22.06.2015