



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.07.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P(MD)No.74 of 2014 and
M.P(MD)No.1 of 2014

Tmt.Johnsi Amalarani

... Petitioner/Respondent

Vs.

S.Arul Prakash

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw all the proceedings now pending in I.D.O.P.No.103 of 2013 from the file of III-Additional District and Sessions Court, Trichirappalli and transfer the same to the file of the District and Sessions Court, Sivagangai.

For Petitioner : Mr.S.Subbiah

For Respondent : Mr.M.Kumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw all the proceedings now pending in I.D.O.P.No.103 of 2013 on the file of III-Additional District and Sessions Court, Trichirappalli and transfer the same to the file of the District and Sessions Court, Sivagangai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.11.2012, as per Christian Rites and Customs. Twin children were born in the wedlock. Due to misunderstanding, the respondent filed I.D.O.P.No.103 of 2013 before the III-Additional District and Sessions Court, Trichirappalli, for Restitution of conjugal Rights. The petitioner is residing at Sivagangai with her parents along with minor children. The petitioner is not having any independent income. The distance between Sivagangai and Trichy is more than 80 kms and it is very difficult for the petitioner to travel each and every hearing to attend I.D.O.P.No.103 of 2013, before the III Additional District and Sessions Judge, Trichirappalli. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

3. In such circumstances, the petitioner filed this petition to transfer the aforesaid I.D.O.P.No.103 of 2013, filed by the respondent husband, before the III Additional District and Sessions Court, Trichirappalli, to District and Sessions Court, Sivagangai.

4. Heard the learned counsel appearing for the petitioner.



5. Respondent entered appearance through counsel. He did not file any counter affidavit.

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.103 of 2013, on the file of the III Additional District and Sessions Court, Trichirapalli, is hereby withdrawn and transferred to the file of the District and Sessions Court, Sivagangai, if the same is not yet disposed of. The learned III Additional District and Sessions Judge, Trichirapalli, is directed to send the case bundles to the District and Sessions Court, Sivagangai, 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.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

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To

1. The District and Sessions Judge,
Sivagangai.
2. The III Additional District and Sessions Judge,
Trichirapalli.

Copy to :

The Section Officer, V.R. Section,
(For Sending the Papers pending Before the Registry)

+1CC kto M/S S.Subbiah Advocate SR.No.39381

Tr.C.M.P (MD) No.74 of 2014 and
M.P (MD) No.1 of 2014
Dated: 16.07.2015

GJM - 01.08.2015
2P/5C