



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2015

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.191 of 2015 and
M.P(MD)No.1 of 2015

Priyanka

... Petitioner

Vs.

John Amulvin

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer DOP.No.266 of 2015, from the file of Family Court, Coimbatore, to Principal District Court, Thoothukudi.

For Petitioner	: Mr.R. Subramanian
For Respondent	: Ms. A. Banumathi

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer DOP.No.266 of 2015, from the file of Family Court, Coimbatore, to Principal District Court, Thoothukudi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.08.2012. After marriage, both the petitioner and the respondent were living together in matrimonial home at Coimbatore. The respondent and his family members treated her cruelly. Further, the respondent, frequently quarrelled with her and behaved abnormally. The petitioner, went to her parents house at Thoothukudi, for delivery. A male child was born in the wedlock. After the birth of child, the respondent did not take the petitioner to matrimonial home. The respondent sent notice through his counsel on 02.11.2014 and filed DOP.No.266 of 2015, on the file of Family Court, Coimbatore, for restitution of conjugal rights.

3. The petitioner is residing at Thoothukudi with her parents. Her parents are aged persons and suffering from old age problems. The distance between Thoothukudi and Coimbatore is about 350 Kms. It is very difficult for the petitioner to travel each and every hearing to attend D.O.P.No.266 of 2015, before the Family Court, Coimbatore, along with her minor child. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses including travel expenses.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid DOP No.266 of 2015 filed by the respondent, before the Family Court, Coimbatore, to the Principal District Court, Thoothukudi.



5. The respondent entered appearance through his counsel. He did not file any counter. The learned counsel for the respondent prayed for dismissal of this Transfer CMP.

6. Heard the learned counsel appearing for the parties.

7. It is well settled 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, this Transfer Civil Miscellaneous Petition is allowed and DOP.No.266 of 2015, pending on the file of Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Principal District Court, Thoothukudi, if the same is not yet disposed of. The learned Family Court Judge, Coimbatore, is directed to send the case bundles to the learned Principal District Court, Thoothukudi, 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 (CO)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Coimbatore.
2. The Principal District Judge, Thoothukudi.

+1CC to Mr.R.Subramanian, Advocate, SR No. 337718

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trp

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