



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.137 of 2015 and
M.P(MD)No.1 of 2015

J. Annal Preeti Santhini ... Petitioner/Respondent

Vs.

B. Mohan ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer IDOP.No.3 of 2015, on the file of District Court, Theni to District Court, Thiruchirapalli.

For Petitioner : Mr. P. Arun Jayatram
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in IDOP.No.3 of 2015, on the file of District Court, Theni, to District Court, Thiruchirapalli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.11.2009, as per Christian Rites and Customs. A female child was born in the wedlock. After the birth of child, the respondent deserted the petitioner and filed IDOP.No.3 of 2015, before the District Court, Theni, for divorce.

3. Now, the petitioner is staying with her parents at Trichy, along with her minor child. Her parents are aged persons and suffering from old age problems. The distance between Theni and Trichy is about 180 Kms and it is very difficult for her to travel to attend each and every hearing at Theni. There is no one to accompany with her to attend each and every hearing, before the District Court, Theni. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including travel expenses. The respondent's family are permanent resident of Bangalore. The respondent is working now at Perambalur in Tamil Nadu Health System Project as District Technical Co-ordinator and he is residing at Perambalur.



4. In such circumstances, the petitioner has come out with the present petition to transfer IDOP.No.3 of 2015, from the file of District Court, Theni, to District Court, Trichy.

5. Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

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, the Transfer CMP is allowed and the IDOP No.3 of 2015, pending on the file of District Court, Theni, is ordered to be withdrawn and transferred to the file of the District Court, Trichy. The learned District Judge, Theni, is directed to transmit the entire records pertaining to the case in IDOP. No.3 of 2015, 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(T & P)

/True Copy/

Sub Assistant Registrar

To

1.The District and Sessions Judge, Theni District.

2.The District and Sessions Judge, Trichirapalli District.

Copy To:

The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai

+1cc to MR.P.ARUN JAYATRAM, Advocate Sr.No.36700

TRP

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