



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.155 of 2015 and

M.P.(MD).No. 1 of 2015

A. Caroline Mary : Petitioner

Vs.

B. Arockia Lawrence : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw IDOP.No.60 of 2014 on the file of the III Additional District Judge, Thiruchirapalli and transfer to any competent Court at Thanjavur.

For Petitioner : Mr. K. Baskaran

For Respondent : Mr. A. Chandrakumar

O R D E R

The petitioner, who is the respondent in IDOP.No.60 of 2014 filed this petition, to transfer IDOP.No.60 of 2014 from the file of the III Additional District Court, Thiruchirapalli, to any one of the competent Court at Thanjavur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 05.06.2011 as per Christian Religious Rites and Customs. A male child was born on 13.05.2012 in the wedlock. Baptism ceremony was organized by the petitioner in the Church for her minor child. During the Baptism ceremony, the respondent and his family members, demanded dowry from her parents and threatened her and sent out from the matrimonial home. The respondent filed IDOP.No.60 of 2014 on the file of the III Additional District Court, Thiruchirapalli, for divorce, making false allegations. The petitioner filed DVP.No.26 of 2014, on the file of the learned Judicial Magistrate -II, Tanjore, and the same is pending.

3. Now, the petitioner is staying with her aged parents at Thanjavur with their meagre income. The distance between Thanjavur and Thiruchirapalli is approximately 75 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.60 of 2014, before the III Additional District Court, Thiruchirapalli, along with her minor child. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer IDOP.No.60 of 2014, from the file of the III Additional District Court, Thiruchirapalli, to any one of the competent Court at Thanjavur.

<https://hcservices.courts.gov.in/hcservices>
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 attend



hearing at III Additional District Court, Thiruchirapalli and he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties.

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 IDOP.60 of 2014, pending on the file of the III Additional District Court, Thiruchirapalli, is ordered to be withdrawn and transferred to the file of the District Court, Thanjavur. The learned III Additional District Judge, Thiruchirapalli, is directed to transmit the entire records pertaining to the case in IDOP No.60 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The III Additional District Judge, Thiruchirapalli
2. The Principal District Judge, Thanjavur.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Bhaskaran, Advocate SR.No.29752

Tr.C.M.P. (MD) .No.155 of 2015 and
M.P. (MD) .No. 1 of 2015
11.06.2015

trp
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