



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

Vijiselvi

... Petitioner

Vs.

V. Balamurugan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code to withdraw and transfer G.O.P.No.86 of 2014, on the file of Principal District Court, Thanjavur to the Family Court-I, Chennai.

For Petitioner : Mr. S. Mahendrapathy

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in G.O.P.No.86 of 2014, on the file of Principal District Court, Thanjavur to Family Court-I, Chennai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.03.2001, as per Hindu Rites and Customs. A male child was born in the wedlock on 29.10.2002. He is aged about 12 years and he is studying 8th Standard at Boston International School, Alwarpet, Chennai. Further, the petitioner is working as a Branch Manager in Star Health Insurance, Nungambakkam, Chennai. The respondent filed G.O.P.No.86 of 2014 for custody of minor child.

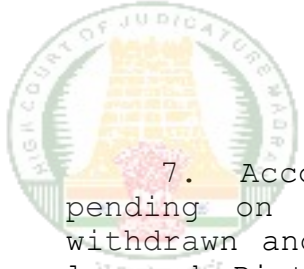
3. According to the petitioner, the distance between Chennai and Thanjavur is about 300 Kms and it is very difficult for her to travel to attend each and every hearing at Thanjavur. Further, the minor son is studying 8th Standard at Boston International School, Alwarpet, Chennai, it is very difficult for her to take leave and attend the hearing of G.O.P.No.86 of 2014, before the District Court, Thanjavur.

4. In such circumstances, the petitioner has come out with the present petition to transfer G.O.P.No.86 of 2014, on the file of Principal District Court, Thanjavur to the Family Court-I, Chennai.

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.

<https://e-services.hccourts.gov.in/e-services/>

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 GOP.No.86 of 2014, pending on the file of District Court, Thanjavur, is ordered to be withdrawn and transferred to the file of the Family Court-I, Chennai. The learned District Judge, Thanjavur, is directed to transmit the entire records pertaining to the case in GOP. No.86 of 2014, 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

/True Copy/

Sub Assistant Registrar

To
1.The Principal District Judge, Thanjavur
2. The Judge, Family Court-I, Chennai

Copy to
The Section officer, VR, Section,
Madurai Bench of Madras High Court, Madurai.

+lcc to M/S. S. Mahendrapathy, Advocate in SR.No. 36623.

TS/ 20.07.2015/2P - 5C

Tr.C.M.P(MD)No.181 of 2015 and
M.P(MD)No.1 of 2015

03.07.2015