



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANITr.C.M.P(MD)No.190 of 2015 and
M.P(MD)No.1 of 2015

A.M. Anusuya ... Petitioner

Vs.

A. Saviour ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer DOP.No.89 of 2015, from the file of Family Court, Thirunelveli, to Principal District Court, Tuticorin.

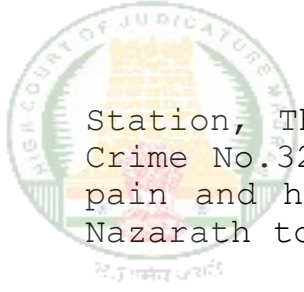
For Petitioner	: Mr. K.R. Laxman
For Respondent	: No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in DOP.No.89 of 2015, from the file of Family Court, Thirunelveli, to Principal District Court, Tuticorin.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.05.2010, as per Christian Rites and Customs. Two children were born in the wedlock. Due to mis-understanding, both the petitioner and the respondent are living separately. Now, the petitioner is residing with her parents at Nazarath, Tuticorin District, along with two minor children. The respondent continuously threatening the petitioner, to give consent for divorce. The respondent filed DOP.No.89 of 2015, on the file of Family Court, Thirunelveli, for divorce. Thereafter, the petitioner filed IDOP.No.281 of 2015, on the file of Principal District Court, Tuticorin.

3. Now the petitioner is residing and working at Nazareth. The distance between Nazareth and Thirunelveli is about 40 Kms and it is very difficult for her to travel to attend each and every hearing at Thirunelveli. Further, the petitioner is working, leaving the children with her mother. On 11.05.2015, the petitioner attended the Court proceedings in I.D.O.P.No.89 of 2015, along with mother and two minor children. While returning home, near PCR Court, the respondent and his family members threatened the petitioner and her mother by filthy language and using un-parliamentary words. She gave a complaint before the Inspector of Police, Palyamkottai Police



Station, Thirunelveli District and the same has been registered in Crime No.321 of 2015. Further the petitioner is suffering from back pain and head ache and hence, she is unable to travel 40 Kms from Nazarath to Thirunelveli.

4. In such circumstances, the petitioner has come out with the present petition to transfer DOP.No.89 of 2015, from the file of Family Court, Thirunelveli, to Principal District Court, Tuticorin.

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.

7. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both DOP.No.89 of 2015 and IDOP.No.281 of 2015 are to be tried together in the same Court. 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.89 of 2015, on the file of Family Court, Thirunelveli, is hereby withdrawn and transferred to the file of Principal District Court, Tuticorin, to be tried along with IDOP.No.281 of 2015, filed by the petitioner, if the same is not yet disposed of. The learned Family Court Judge, Thirunelveli, is directed to send the case bundles to the Principal District Court, Tuticorin 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(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Family Court, Thirunelveli.
 2. The Principal District Court, Tuticorin.
 3. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.
- +cc to Mr. K.R.Laxman, Advocate in SR.No.31010

Tr.C.M.P(MD)No.190 of 2015 and
M.P(MD)No.1 of 2015
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CSL 11/08/2015