



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.204 of 2015 and
M.P.(MD).No. 1 of 2015

Alphones Arockia Sabine

: Petitioner

Vs.

Victor Fernandez @ Arularasu

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC to withdraw the case in IDOP.No.58 of 2015, on the file of Principal District Court, Thanjavur, and transfer the same to the file of District Court, Tuticorin.

For Petitioner : Mr. B. Rajesh Saravanan
For Respondent : Mr. P. Sesubalan

O R D E R

The petitioner, who is the respondent in IDOP.No.58 of 2015, filed this petition, to transfer IDOP.No.58 of 2015, from the file of Principal District Court, Thanjavur, to 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 03.03.2014. After marriage, both were living together in matrimonial home at Thiruvaiyaru and subsequently, at Chennai. Subsequently, due to mis-understanding between the petitioner and the respondent, the respondent filed IDOP.No.58 of 2015, on the file of Principal District Court, Thanjavur, for divorce.

3. Now, the petitioner is residing at Kovilpatti along with her aged parents. The Distance between Kovilpatti and Thanjavur is about 280 Kilometers and it is difficult for the petitioner to appear before the Principal District Court, Thanjavur for attending each and every hearing of IDOP.No.58 of 2015. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses, including the travelling expenses. In these circumstances, the petitioner has filed the present petition to transfer IDOP.No.58 of 2015, from the file of Principal District Court, Thanjavur, to the file of the District Court, Tuticorin.

4. The respondent has entered appearance through his counsel and has not filed any counter affidavit. The learned counsel for



the respondent contended that it will not be difficult for the petitioner, to attend hearing of IDOP.No.58 of 2015 at Principal District Court, Thanjavur, and thus, he prayed for dismissal of this Transfer C.M.P.

6. Heard the learned counsel appearing for both parties.

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. Further, the petitioner has given valid reasons for Transfer CMP. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, the Transfer CMP is allowed and IDOP.No.58 of 2015, pending on the file of Principal District Court, Thanjavur, is ordered to be withdrawn and transferred to the file of District Court, Tuticorin. The learned Principal District Judge, Thanjavur, is directed to transmit the entire records pertaining to the case in IDOP.No.58 of 2015, 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. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal District Court, Thanjavur,
2. The District Court, Tuticorin.

Copy to:- The Record Keeper,
VR/ER Section,

Madurai Bench of Madras High Court, Madurai

(For complying the direction)

+One cc to Mr.B.Rajesh Saravanan, Advocate, SR.No.42440

trp

RL/ 5c- 19/8/2015

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