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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.06.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.79 of 2015 and
M.P(MD)No.1 of 2015

P.R. Anjelin Mercy ... Petitioner
Vs.
S. Paulmanoraj ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw IDOP.No.64 of 2014 pending on the file of the learned Family Court Judge, Madurai and transfer the same to the file of the Family Court Judge, Trichy.

For Petitioner : Mr.V.A. Dhana Aravindha Balaji
For Respondent : Mr. N. Nagendran

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer IDOP.No.64 of 2014 from the file Family Court, Madurai to Family Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.04.2013. After marriage, both were living together in matrimonial home at Madurai. The respondent and his family members treated the petitioner cruelly in the matrimonial home. Therefore, she gave a complaint before the concerned Police Station. After the complaint, the respondent filed IDOP.No.45 of 2014, before the Family Court, Madurai, for restitution of conjugal rights. The said IDOP was dismissed for default on 19.09.2014. Subsequently, the respondent filed IDOP.No.64 of 2014, before the Family Court, Madurai, for divorce.

3. Now, the petitioner is staying with her parents at Trichy. Her parents are aged persons and suffering from old age problems. The distance between Trichy and Madurai is about 150 Kms and it is very difficult for her to attend each and every hearing at Madurai. 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.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid IDOP.No.64 of 2014 filed by the respondent before the Family Court, Madurai, to Family Court, Trichy.

5. 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 travel from Trichy to Madurai to attend IDOP.No.64 of 2014, before the Family Court, Madurai, and 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. 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.64 of 2014, pending on the file of the Family Court, Madurai, is ordered to be withdrawn and transferred to the file of the Family Court, Trichy. The learned Family Court Judge, Madurai, is directed to transmit the entire records pertaining to the case in IDOP.No.64 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(Crl.Side)

/True copy/

Sub Assistant Registrar

To

1. The Family Court, Trichy.
2. The Family Court, Madurai.

Copy to:

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Nagendran,Advocate SR.No.32244

+1cc to M/s.Dhana Law Associates,SR.No.31497

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trp

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