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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.8 of 2015

and

M.P(MD)No.1 of 2015

D.Marys Domnic

... Petitioner

Vs.

A.Edwin Kennedy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to pass an order to withdraw the case in I.D.O.P.No.52 of 2012 on the file of the District and Sessions Court, Trichirappalli and transfer the same to the file of the District and Sessions Court, Tanjore for adjudication.

For Petitioner : Mr.S.Rajasekar

For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.52 of 2012 on the file of the District and Sessions Court, Trichirappalli and transfer the same to the file of the District and Sessions Court, Tanjore for adjudication.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the husband was solemnised on 07.06.2009 as per Christian rites and customs and a female child was born on 06.06.2011. Both the petitioner and the respondents are teachers. The petitioner is working as Physical Education Teacher in St. Chinnappa Higher Secondary School, Mayiladuthurai. The respondent is working in Panchayat Union School, Lalgudi. Misunderstanding arisen between the petitioner and the respondent. Now the petitioner is residing at Kumbakonam and the respondent has filed I.D.O.P.No.52 of 2012 for divorce before the District Court, Trichirappalli. The distance between Kumbakonam and Trichirappalli is more than 80 kms. Being a lady, it is very difficult for the petitioner to attend each and every hearing before the District Court, Trichirappalli along with her minor child. In



the circumstances, the petitioner has come up with the present petition.

3. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

4. It is settled law that whenever transfer petition is filed in matrimonial cases, convenience of the wife shall be given preference. Therefore, I am of the view that, this transfer petition is liable to be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.52 of 2012 on the file of the District and Sessions Court, Trichirappalli, is hereby withdrawn and transferred to the file of District Court, Thanjavur. The District Judge, Trichirappalli, is directed to send all the case bundles to District Judge, Thanjavur immediately. No costs. Consequently, M.P(MD)No.1 of 2014 is closed. The Registry is directed to send all the papers pending before this Court.

Sd/-

Assistant Registrar(AE)

\\True copy\\

Sub Assistant Registrar

To

1. The District and Sessions Judge,
Trichirappalli.

2. The District Judge,
Thanjavur.

Copy to : The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. T. Lajapathi Roy, Advocate Sr. NO. 30643

akm/03.07.15 /2p-5c/

Tr.C.M.P. (MD) No. 8 of 2015
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