



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.9 of 2015 and
M.P(MD)No.1 of 2015

S. Annamanickam Alais @
Stellamary ... Petitioner/Petitioner
Vs.

S. Vincent ... Respondent/Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in IDOP.No.47 of 2014 on the file of the Principal District Court, Pudukkottai and transfer the same to the District Court Sivaganagai so as to try the same along with IDOP No.29 of 2014.

For Petitioner : Mr.G. Sridharan
For Respondent : N. Balakrishnan

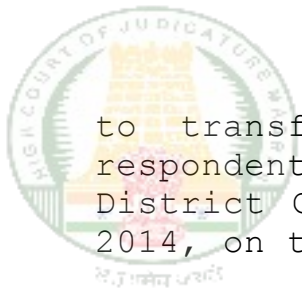
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the IDOP.No47 of 2014 from the file of the Principal District Court, Pudukkottai, to District Court, Sivaganagai, to be tried along with IDOP.No.29 of 2014, on the file of District Court, Sivaganagai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.05.2003, as per Christian Rites and Customs. After marriage, both were residing in matrimonial home. Due to mis-understanding between the petitioner and respondent, the petitioner left the matrimonial home. The respondent filed IDOP.No.47 of 2014, on the file of the Principal District Court, Pudukkottai, for divorce. Subsequently, the petitioner filed IDOP.NO.29 of 2014, before the District Court, Sivaganagai, for restitution of conjugal rights.

3. Now, the petitioner is staying along with her parents at Koratti Village, Sivaganagai District. According to the petitioner, the distance between Koratti village and Pudukkottai is approximately 60 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.47 of 2014 on the file of the Principal District Court, Pudukkottai.

4. In such circumstances, the petitioner filed this petition



to transfer the aforesaid IDOP.No.47 of 2014 filed by the respondent before the Principal District Court, Pudukkottai to District Court, Sivagangai, to be tried along with IDOP.No.29 of 2014, on the file of the District Court, Sivagangai.

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 attend the hearing at District Court, Sivagangai, and he prayed for dismissal of this Transfer C.M.P.

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. 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 IDOP.No.47 of 2014 and IDOP.No.29 of 2014 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and IDOP.No.47 of 2014 on the file of the Principal District Court, Pudukkottai, is hereby withdrawn and transferred to the file of the District Court, Sivagangai, to be tried along with IDOP.No.29 of 2014 filed by the petitioner, if the same is not yet disposed of. The learned Principal District Judge, Pudukkottai, is directed to send the case bundles to the District Court, Sivagangai, 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

ASST REGISTRAR - AE

TRUE COPY

SUB ASST REGISTRAR

trp

To

1. The Principal District Judge, Pudukkottai
2. The District Judge, Sivagangai,

1cc to MR. P. PRAKASH RAJ, ADV SR: 30608

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