



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P. (MD) .No.251 of 2013 and

M.P. (MD) .No. 1 of 2013

J. Hema

: Petitioner

Vs.

Manoj Macmillan

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in IDOP.No.117 of 2013 on the file of the District and Sessions Court, Kanyakumari at Nagercoil and transfer the same to the file of the Family Court, Coimbatore.

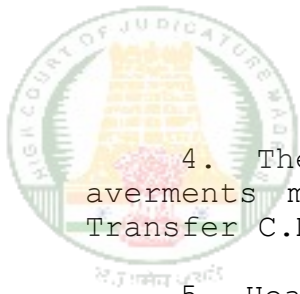
For Petitioner : Mr. S. Meenakshi Sundaram
For Respondent : Mr. S. Sureshkumar

O R D E R

The petitioner, who is the respondent in IDOP.No.117 of 2013 filed this petition, to transfer IDOP.No.117 of 2013, from the file of District and Sessions Court, Kanyakumari at Nagercoil, to Family Court, Coimbatore.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.12.2011. A male child was born in the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner left from matrimonial home. Thereafter, the respondent filed IDOP.No.117 of 2013, on the file of District and Sessions Court, Kanyakumari at Nagercoil, for divorce.

3. Now, the petitioner is residing at Coimbatore along with minor child. The distance between Coimbatore and Nagercoil is approximately 400 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.117 of 2013, before the District and Sessions Court, Kanyakumari at Nagercoil, along with her minor child. Further, the petitioner is working as a Secondary Grade Teacher at Coimbatore, it is very difficult for her to take leave and attend the case in IDOP.No.117 of 2013, before the District and Sessions Court, Kanyakumari at Nagercoil. In the circumstances, the petitioner has filed the present petition to transfer IDOP.No.117 of 2013, from the file of District and Sessions Court, Kanyakumari at Nagercoil, to Family Court, Coimbatore.



4. The respondent filed counter affidavit denying the various averments made by the petitioner and he prayed for dismissal of this Transfer C.M.P.

5. Heard the learned counsel appearing for both parties. Without deciding the allegations and counter allegations made in Transfer CMP on merits and considering the reasons given by the petitioner for transfer of the case, I hold that this is a fit case for transferring the IDOP.No.117 of 2013, from the file of District and Sessions Court, Kanyakumari at Nagercoil to Family Court, Coimbatore.

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. 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.

7. Accordingly, the Transfer CMP is allowed and IDOP.No.117 of 2013, pending on the file of District and Sessions Court, Kanyakumari at Nagercoil, is ordered to be withdrawn and transferred to the file of Family Court, Coimbatore. The learned District and Sessions Judge, Kanyakumari at Nagercoil, is directed to transmit the entire records pertaining to the case in IDOP No.117 of 2013, 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

/True Copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge, Kanyakumari at Nagercoil

2. The Judge,
The Family Court, Coimbatore.

+1 CC to M/s.S.Meenakshisundaram, Advocate, SR39373

trp

SH:06.08.2015:P2/4C

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