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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.C.M.P(MD)No.108 of 2015
and
M.P(MD)No.1 of 2015

Antany Santhiya ... Petitioner/Respondent

Vs.

Arokiya Antony Rajesh ... Respondent/Petitioner

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw I.D.O.P.No.38 of 2013 pending on the file of the Principal District Judge, Sivagangai and transfer the same to the Principal District Judge, Trichy.

For Petitioner : Mr.S.Muthukrishnan

ORDER

The present petition is filed seeking to withdraw the case from the file of the Principal District Judge, Sivagangai in I.D.O.P.No.38 of 2013 and transfer the same to the file of the Principal District Judge, Trichy.

2.The marriage between the petitioner and respondent was solemnized on 30.10.2011. The contention of the petitioner is that after the marriage, the respondent went to Bangalore and since he was working as a Software Engineer. Due to continuous misunderstanding between the parties, the petitioner was forced to leave the matrimonial home and now living with her parents. Out of the wedlock, a female child was born and aged about five years at present. The petitioner contended that she is unemployed and living with her parents and not having any independent source of income. The respondent filed I.D.O.P.No.38 of 2013 before the Principal District Judge, Sivagangai for judicial separation. The petitioner pleads that she is not in a position to travel about 300 kms to defend the case filed by the respondent along with her child and therefore, the present Transfer Civil Miscellaneous Petition is filed.

3. Notice was served to the respondent and the respondent neither appeared in person nor through pleader and hence, the case is taken up for final hearing.

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4. The Courts have repeatedly held that in transfer of matrimonial cases, place of women is to be considered for conducting trial.

5. Considering the facts and the circumstances of the case, this Court is of the opinion that the present case for transfer deserves to be considered and accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.38 of 2013 pending before the Principal District Judge, Sivagangai, is ordered to be transferred to the file of the Family Court, Trichirappalli, forthwith. No costs. Consequently, connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To
1.The Principal District Judge,
Sivagangai.

2.The Judge, Family Court,
Trichirappalli.

pm
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TR.C.M.P.(MD)No.108 of 2015
09.11.2016

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