



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.04.2016

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.246 of 2015

and

M.P(MD)No.1 of 2015

Anbu Jothika

.. Petitioner\Respondent

Vs.

Vijay Kumar

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the I.D.O.P.No.3 of 2015, on the file of Family Court, Dindigul and transfer the same other competent Court outside the Thoothukudi District.

For Petitioner : Mr.S.Muthalraj
For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.3 of 2015, on the file of the Family Court, Dindigul and transfer the same to any other Court at Thoothukudi District.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 19.01.2011. After the marriage, both were living together in the matrimonial home. In the wedlock a female child was born on 31.10.2011. Due to the dispute, the respondent thrown out the petitioner from matrimonial home. The respondent filed I.D.O.P.No.3 of 2015, before the Family Court, Dindigul for dissolution of marriage.

3.According to the petitioner, she is residing at Tuticorin with her parents along with her child. She is not having any independent income and she is depending on her parents for her day-to-day expenses including travel expenses. The distance between the Tuticorin to Dindigul is more than 200 kms. She finds it very difficult to travel from Tuticorin to Dindigul. She has advised that it will not be difficult for the respondent/husband to attend the hearing at Tuticorin.



4. In such circumstances, the petitioner filed this petition to transfer the aforesaid I.D.O.P.No.3 of 2015, filed by the respondent/husband, before the Family Court, Dindigul, to any other competent Court at Tuticorin District.

5. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

6. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in **2008(9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta) and AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another)**. For the above reasons, the transfer civil miscellaneous Petition is allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.3 of 2015 on the file of the Family Court, Dindigul, is hereby withdrawn and transferred to the file of the Principal District Judge, Tuticorin. The learned Family Judge, Dindigul, is directed to send the case bundles to the Principal District Judge, 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/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

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To

1. The Judge, The Family Court,
Dindigul.

2. The Principal District Judge,
Tuticorin.

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

GJM/JGB/SS/9.5.16-2p-4C