



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

TR.C.M.P.(MD) No.247 of 2015 and M.P(MD).No.1 of 2015

S. Jeevitha Mercy Bai

: Petitioner

Vs.

S. Andrews Vasudevan

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw and transfer the case in IDOP.No.41 of 2014 from the file of District Court, Vellore to District Court, Kanyakumari at Nagercoil District.

For Petitioner : Mr.L. Victoria Gowri

For Respondent : Mr.K. Samidurai

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in IDOP.No.41 of 2014 from the file of District Court, Vellore to District Court, Kanyakumari at Nagercoil 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 23.05.2012, as per Christian Rites and Customs. A male child was born in the wedlock on 30.07.2013. On 09.04.2013, the respondent forcibly chased the petitioner out from the matrimonial home, while she was pregnant. After birth of child, the parents of the petitioner took steps for re-union. The respondent refused to take the petitioner. The petitioner gave a complaint before the Inspector of Police, All Women Police Station, Nagercoil, against the respondent and the same was registered in Crime No.18 of 2014. Only to counter blast in the said Crime number, the respondent filed IDOP.No.41 of 2016 on 18.09.2014, before the District Court, Vellore, for restitution of Conjugal rights. The petitioner filed M.C.No.3 of 2015 before the Judicial Magistrate, Boothapandi, Kanyakumari District and the same is pending.



3. According to the petitioner, she is un employed and she is residing at Nagercoil along with her minor child with her aged parents. She is only depending on her parents for her day to day expenses including travel expenses. The distance between Nagercoil and Vellore is more than 664 Kilometers and it is very difficult for the petitioner to travel for each and every hearing at Vellore, along with minor child. There is no to one accompany with her from Nagercoil to Vellore to attend each and every hearing, before the District Court, Vellore. In such circumstances, the petitioner filed this petition to transfer IDOP.No.41 of 2014 from the file of District Court, Vellore to District Court, Kanyakumari at Nagercoil District.

4. The learned counsel appearing for the respondent submitted that it is very difficult for the respondent to travel such a long distance if the IDOP.No. 41 of 2014 is transferred to District Court, Nagercoil, Kanyakumari District and he prayed for transferring the case to any one of the common place.

5. I have heard the learned counsel appearing on either side.

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. 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.41 of 2014, pending on the file of the District Court, Vellore, is ordered to be withdrawn and transferred to the file of the District Court, Nagercoil, Kanyakumari District, if the same is not yet disposed of. The learned District Judge, Vellore, is directed to transmit the entire records pertaining to the case in IDOP.No.41 of 2014 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. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



trp

To

1. The District Court, Vellore

2. The District Court, Kanyakumari at Nagercoil District.

Copy to:

The Section Officer,

V.R.Section, Madurai Bench of Madras High Court, Madurai.

+1 cc to M/S.L. Victoria Gowri, Advocate, SR No. 20826

+1 cc to Mr.K.Samidurai, Advocate, SR No.20464

RG.17.05.2016

3P/6C

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