



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 10.03.2016  
CORAM

**THE HONOURABLE MS. JUSTICE V.M.VELUMANI**

Tr.C.M.P (MD) No.260 of 2015

and

M.P. (MD) .No.1 of 2015

L.Jesse Rebekah

... Petitioner

Vs.

K.Rajkumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw I.D.O.P.No.85 of 2015 on the file of the learned District Judge, Coimbatore and transfer the same to the District Family Court, Madurai to try along with I.D.O.P.No.45 of 2015 and M.C.No.90 of 2015 pending before the District Family Court, Madurai.

For Petitioner :Mr.K.Muraleedharan

For Respondent :Mr.V.O.S.Kalaiselvam

**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.85 of 2015 on the file of the District Court, Coimbatore and to transfer the same to the District Family Court, Madurai with a direction to try along with I.D.O.P.No.45 of 2015 and M.C.No.90 of 2015 pending before the District Family Court, Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.07.2013. After the marriage, the petitioner went to her parental home for delivery. One male child was born in the wedlock. After the delivery, the respondent refused to take back her to the matrimonial home, without any reason. Therefore, the petitioner filed I.D.O.P.No.45 of 2015 on the file of the learned District Family Judge, Madurai for restitution of conjugal rights and also filed M.C.No.90 of 2015 before the same Court for maintenance. Thereafter, the respondent filed I.D.O.P.No.85 of 2015 before the District Court, Coimbatore, for divorce.

3.According to the petitioner, She is residing at Madurai along with her parents and she is having one year old boy and it is very difficult for her to travel from Madurai to Coimbatore. She is not having any independent income and she is depending on her parents for her day to day expenses, including the travelling expenses. The distance between Madurai and Coimbatore is more than 250 kms and it is very difficult for her to travel such a long distance along with her child. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.



4.I have heard Mr.K.Muraleedharan, learned counsel appearing for the petitioner and Mr.V.O.S.Kalaiselvam, learned counsel appearing for the respondent and carefully perused the entire materials on record.

5.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Moreover, in order to avoid conflicting decisions, both the cases have to be tried together by the same Court. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

6.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the I.D.O.P.No.85 of 2015 pending on the file of the District Court, Coimbatore is ordered to be withdrawn and transferred to the file of the District Family Court, Madurai, to be tried along with I.D.O.P.No.45 of 2015 and M.C.No.90 of 2015. The learned District Judge, Coimbatore, is directed to transmit the entire records pertaining to the case in I.D.O.P.No.85 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/  
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(C.S)  
Madurai Bench of Madras High Court,  
Madurai.

To

1.The District Court,  
Coimbatore.

2.The District Family Court,  
Madurai.

Copy to  
The Record Keeper,  
V.R. Section,  
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.Muraleedharan, Advocate in SR.No.13677

Tr.C.M.P (MD) No.260 of 2015  
and  
M.P. (MD) .No.1 of 2015  
10.03.2016

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