



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.03.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI**TR.C.M.P(MD)No.274 of 2015****and****M.P(MD)No.1 of 2015**

WEB COPY

C.Parimala @ Johnsirani

... Petitioner

Vs.

S.Chelladurai

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the I.D.O.P.No.5 of 2015 pending before the District Sessions Court, Theni and transfer the same to the file of Principal District Court, Trichy or to any other competent Court at Trichy.

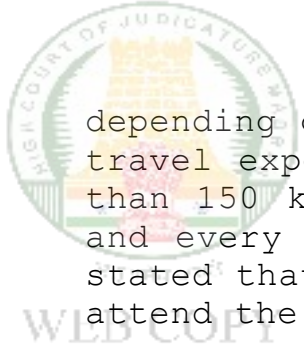
For Petitioner : Mr.A.Thiyagarajan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.5 of 2015, on the file of the District Sessions Court, Theni and transfer the same to the file of Principal District Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.03.2012. After the marriage, both were living together at Sangagiri, Salem District. The respondent used to pick-up quarrel by demanding additional dowry. When the same was refused, the respondent physically assaulted the petitioner and harassed her mentally. Subsequently, they shifted their residence at Sangagiri and settled at Vadugarpatti Village, Manapparai Taluk. There also, the respondent frequently attacked the petitioner for want of additional dowry. Thereafter, the petitioner lodged a complaint before the Inspector of Police, All Women Police Station, Manapparai on 28.10.2015 against the respondent. Subsequent to the complaint, the respondent deserted the petitioner and settled with his parents at Cumbum. While so, the respondent filed I.D.O.P.No.5 of 2015, before the District Sessions Court, Theni for divorce.

3.Now, the petitioner and is residing with her aged parents at Manapparai. She is not having any independent income and she is



depending on her parents for her day-to-day expenses including the travel expenses. The distance between Manaparai and Theni is more than 150 kms and she is finding it very difficult to attend each and every hearing at Theni, without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Trichy.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid I.D.O.P.No.5 of 2015, filed by the respondent/husband, before the District Sessions Court, Theni, to Principal District Court, Trichy

5. Heard the learned counsel appearing for the petitioner. Though notice served on the respondent and his name is printed in the cause list, the respondent has not chosen to appear 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)**. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.5 of 2015, on the file of the District Sessions Court, Theni, is hereby withdrawn and transferred to the file of the Principal District Court, Trichy. The learned District Sessions Judge, is directed to send the case bundles to the Principal District Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

am

To

1. The District Sessions Court, Theni.

2. The Principal District Court, Trichy.

Copy To: The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

CSL/NGM-SS/22.03.2016/2P/4C

TR.C.M.P(MD)No.274 of 2015