



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2016

CORAM:

WEB COPY

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.318 of 2015
and M.P(MD)No.1 of 2015

Aruna

... Petitioner

Vs.

Ezhil Arasan

... Respondent

PRAYER:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer O.P.No.34 of 2015 on the file of the Sub Court, Ootacamund, The Nilgiris to the file of the Family Court, Trichy.

For Petitioner : Mr.T.Banumathy

For Respondent : Mr.V.Senthilkumar

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.P.No.34 of 2015 on the file of the Sub Court, Ootacamund, The Nilgiris and transfer the same to the Family Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 07.07.2011. Due to wedlock, they were blessed with a male child and they were living together at Bangalore. Susequently, the petitioner suffered mental illness and for taking treatment, she came to her parents' house and now, she became normal. Whiles, the respondent filed a petition in O.P.No.34 of 2015 before the Sub Court, Ootacamund, The Nilgiris, for divorce by making various false allegations. The petitioner and her child are living with her parents at Trichy. As the petitioner is suffering mental illness, it is very difficult for her to travel each and every hearing to attend the case in O.P.No.34 of 2015 on the file of the Sub Court, Ootacamund, The Nilgiris. The petitioner is depending on her parents for day to day expenses, including travel expenses. Therefore, she has come out with the present petition for transfer.



3.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.

4.Considering the facts and circumstances of the case and the submission of the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is ordered and O.P.No.34 of 2015 on the file of the Sub Court, Ootacamund, The Nilgiris is hereby withdrawn and transferred to the file of the Family Court, Trichy. The learned Sub Judge, Ootacamund, The Nilgiris is directed to send the case bundles in O.P.No.34 of 2015 to the Family Court, Trichy. No costs. Consequently, M.P.is closed.

Sd/-

Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Subordinate Judge, Ootacamund, The Nilgiris.
- 2.The Judge, Family Court, Trichy.

+One cc to Mrs.T.Banumathy, Advocate, SR.No.11129

nbj

RL/4C/JGB/DP/11/3/2016

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