



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.03.2016

CORAM

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P (MD) No.376 of 2015

and

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

C.Priskilal Racheff

... Petitioner/Respondent

Vs.

Soosairaj

... Respondent/ Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw I.D.O.P.No.27 of 2015 on the file of the District Court, Tiruppur and transfer the same to the District Court, Dindigul, Dindigul District.

For Petitioner

:Mr.G.Gomathi Sankar

For Respondent

:Mr.Ganesh Kumar for
Mr.P.Venkatesan

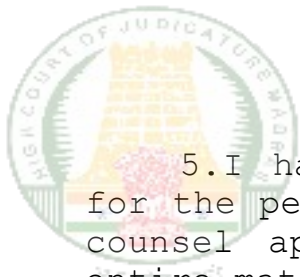
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.27 of 2015 on the file of the District Court, Tiruppur and transfer the same to the District Court, Dindigul, Dindigul 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 14.02.2013. One male child was born in the wedlock. After the delivery of the child, the respondent did not come and take the petitioner to the matrimonial home. The respondent filed I.D.O.P.No.27 of 2015 before the District Court, Tiruppur, for restitution of conjugal rights.

3.According to the petitioner, she is residing with her parents at Dindigul along with her minor child. 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 Dindigul and Tiruppur is more than 100 kms and it is very difficult for her to attend each and every hearing along with her children. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4.Mr.Ganeshkumar, learned counsel representing on behalf of the respondent, submitted that it will be very difficult for him to attend the hearing, if the case is transferred before the District Court, Dindigul and prayed for dismissal of Tr.C.M.P.



5.I have heard Mr.G.Gomathisankar, learned counsel appearing for the petitioner and Mr.Ganeshkumar for Mr.P.Venkatesan, learned counsel appearing for the respondent and carefully perused the entire materials on record.

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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 ordered.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered and the I.D.O.P.No.27 of 2015 pending on the file of the District Court, Tiruppur is ordered to be withdrawn and transferred to the file of the District Court, Dindigul, Dindigul District. The learned District Judge, Tiruppur, is directed to transmit the entire records pertaining to the case in I.D.O.P.No.27 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

/True Copy/

Sub Assistant Registrar

To

1.The District Court,
Tiruppur.

2.The District Court,
Dindigul,
Dindigul District.

+1cc to Mr.Mr.G.Gomathi Sankar, Advocate SR.No.15255

CN/SKN-SK/30.03.2016/2P-4C

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