



9BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.466 of 2015
and
M.P.(MD).No.1 of 2015

Arulselvi

... Petitioner/Respondent

Vs.

Sengol Lawarance

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw I.D.O.P.No.23 of 2013 on the file of the Principal District Judge, Pudukkottai and transfer the same to the file of the Principal District Judge, Thanjavur with a direction to try the same along with I.D.O.P.No.142 of 2015 on the file of the Principal District Judge, Thanjavur.

For Petitioner : Mr.R.Manoharan
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.23 of 2013 on the file of the Principal District Judge, Pudukkottai and to transfer the same to the file of the Principal District Judge, Thanjavur with a direction to try the same along with I.D.O.P.No.142 of 2015 on the file of the Principal District Judge, Thanjavur

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.05.2008 as per Christian rites and customs. One female child was born in the wedlock. After the birth of the child, respondent's parents compelled the petitioner to have illegal intimacy with one Anthonisamy, who is reverent father of the Church in Kodaikanal. Due to that dispute, the petitioner left the matrimonial home along with her child. The petitioner is working as a Assistant Professor in Agricultural University at Thanjavur. Whiles, the respondent filed I.D.O.P.No.23 of 2013 before the Principal District Court, Pudukkottai for restitution of conjugal rights.

3.According to the petitioner, she is residing at Thanjavur and she filed I.D.O.P.No.142 of 2015 before the Principal District Court, Thanjavur for divorce. The respondent and his family members are highly influenced with men and money. She is working as Assistant Professor in Agricultural University at Thanjavur and it is very difficult for her to travel from Thanjavur to Pudukkottai. There is a possibility of



endangerment to the life of the petitioner and her female 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.R.Manoharan, learned counsel appearing for the petitioner and carefully perused the entire materials on record. Though notice was served on the respondent and also his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

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.23 of 2013 pending on the file of the learned Principal District Judge, Pudukkottai is ordered to be withdrawn and transferred to the file of the learned Principal District Judge, Thanjavur to be tried along with I.D.O.P.No.142 of 2015. The learned Principal District Judge, Pudukkottai, is directed to transmit the entire records pertaining to the case in I.D.O.P.No.23 of 2013 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 (AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal District Judge, Pudukkottai.
- 2.The Principal District Judge, Thanjavur.

Copy To:-

The Section Officer,
Judicial Department,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.R.MANOCHARAN, ADVOCATE IN SR NO. 14217

NS

TE/AAL-MPA/SAR-I : 23/03/2016 : 2P/5C

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and

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