



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.179 of 2016

and

C.M.P(MD)No.3229 of 2016

Agnes Sunitha

... Petitioner

vs.

P.Jebamony

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to pass an order to withdraw and transfer the IDOP.No.4/2015 on the file of the District Court, Srivilliputtur, to the District Court, Kanyakumari Division at Nagercoil.

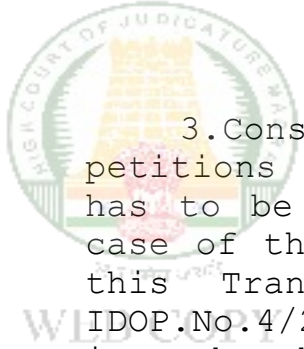
For Petitioner : Mr.S.Sivakumar

For Respondent : No appearance

ORDER

The marriage between the petitioner and the respondent was solemnized on 29.04.2002 as per the Christian rites and rituals. Out of the wedlock, a male child was born on 24.01.2003. The contention of the petitioner is that she was working at Chennai and taking treatment for Psychiatric disease. A female child was also born on 05.10.2009. The petitioner was not in a position to tolerate the demand for dowry made by the respondent and their family members. Therefore, she left the matrimonial home and is now residing with her parents along with her children. The contention of the petitioner is that the respondent is not maintaining the petitioner and her children. Further, the children are being educated with the financial support of the parents of the petitioner. She has no income of her own and is not in a position to spend and travel to defend the case filed by the respondent at Srivilliputhur for divorce in IDOP.No.4/2015.

2.The contention of the respondent is that the allegations set out in this petition are untenable and the petitioner developed the difference of opinion with the respondent. Therefore, she is not entitled for any relief. Further, the petitioner ill-treated the respondent and she alone is responsible for the break in the matrimonial relationship.



3.Considering the well settled legal position that in transfer petitions regarding matrimonial disputes, convenience of the wife has to be given preference, this Court is of the view that the case of the petitioner deserves to be considered and accordingly, this Transfer Civil Miscellaneous Petition is allowed and IDOP.No.4/2015 on the file of the District Court, Srivilliputtur, is ordered to be transferred to the District Court, Kanyakumari Division at Nagercoil, forthwith. No costs. Consequently, C.M.P (MD)No.3229 of 2016 is closed.

Sd/-

Assistant Registrar(RT)

/True Copy/

Sub Assistant Registrar

25.10.2016

nbi
To

1)The District Judge,
District Court, Srivilliputhur.

2)The District Judge,
District Court, Kanyakumari Division at Nagercoil.

+1cc to Mr.S.Sivakumar,Advocate Sr.No. 63359

+1cc to Mr.S.Jayakumar,Advocate Sr.No. 63675

JAM/10.11.16/SKS-RR/2p-5c

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