



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP (MD) No.187 of 2016

and

C.M.P (MD) No.3334 of 2016

P.Anitha Christy Angelin

... Petitioner

vs.

N.Dhinakaran

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to order withdrawing the petition in IDOP.No.28 of 2015 on the file of the Principal District Judge, Srivilluputhur and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.K.K.Ramakrishnan

For Respondent : Mr.S.Vellaichamy

ORDER

The marriage between the petitioner and the respondent was solemnized on 27.05.2009 as per the Christian rites and rituals and out of the wedlock, a female child was born on 13..11.2011. Due to the strained relationship between the petitioner and the respondent, the respondent filed IDOP.No.28 of 2015 on the file of the Principal District Judge, Srivilluputhur, for divorce. The contention of the petitioner is that she was subjected to ill-treatment and cruelty at the hands of the respondent and the respondent deserted her and went to his native at Sivagangai. It is stated that the petitioner is working as Assistant Professor in Karunya University at Coimbatore and residing in the quarters and is not in a position to travel along with her child to defend the case filed by the respondent at Srivilliputhur.

2.The contention of the respondent is that the petitioner refused to discharge the conjugal duties with him and the efforts taken by the elders for re-union went in vain and the petitioner left the matrimonial home at her own volition and not at the instance of the respondent. The other contentions raised by the petitioner are frivolous and deserve no consideration.

3.Considering the facts and circumstances of this case and the



well settled legal position that in transfer petitions regarding matrimonial disputes, convenience of the wife has shall be given preference, this Court is of the view that the case of the petitioner deserves to be considered. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and IDOP.No.28 of 2015 on the file of the Principal District Judge, Srivilluputhur, is ordered to be transferred to the Family Court, Coimbatore, forthwith. No costs. Consequently, C.M.P(MD)No.3334 of 2016 is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

nbi

To

1)The Principal District Judge,
Srivilluputhur.

2)The Presiding Judge,
Family Court, Coimbatore.

+1CC to Mr.K.K.Ramakrishnan, Advocate Sr.No.63467

GJM/SKS/RR/8.11.16-2p-4C

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