



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP (MD) No.218 of 2016

and

C.M.P (MD) No.4067 of 2016

P.Sheeba Jancy Rani

...Petitioner/Respondent

vs.

D.Praveendoss

...Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in IDOP.No.290 of 2015 now pending on the file of the Principal District Judge, Coimbatore, and transfer the same to the file of the Principal District Judge either at Tuticorin or Tirunelveli.

For Petitioner : Mr.S.Subbiah

For Respondent : Mr.R.Sevugaraja

ORDER

The marriage between the petitioner and the respondent was solemnized on 19.05.2014 as per the Christian rituals and customs. Due to the strained relationship between the parties, the petitioner and the respondent are living separately. The respondent filed IDOP.No.290 of 2015 before the Principal District and Sessions Judge, Coimbatore, for divorce. The contention of the petitioner is that she was subjected to cruelty and therefore, she left the matrimonial home and residing with her aged parents. She has no independent sources of income to spend and defend the case filed by the respondent at Coimbatore.

2.The respondent contended that the allegations set out in this petition deserve no consideration and the petitioner is very well in a position to travel from Tuticorin to Coimbatore. Further, the respondent contended that the petitioner herself left the matrimonial home at her own volition and not at the instance of the respondent. Therefore, this petition is liable to be dismissed.

3.Considering the arguments and counter arguments for both the petitioner and the respondent and the well settled legal position that in transfer petitions regarding matrimonial disputes, convenience of the wife shall be given preference and 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.290 of 2015 pending on the file of



the Principal District Judge, Coimbatore, is ordered to be transferred to the Family Court, Tirunelveli, forthwith. No costs. Consequently, C.M.P(MD)No.4067 of 2016 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

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Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1)The Principal District Judge, Coimbatore,
- 2)The Judge, Family Court, Tirunelveli.

+1cc to M/s.S.Subbiah, Advocate in SR.63920

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