



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2016

Coram:

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

Tr.C.M.P.(MD).No.296 of 2016
and C.M.P.(MD) No.5495 of 2016

Indhu

.. Petitioner/Respondent

Vs.

P.Gokul Raj

.. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw and transfer the original petition in on the file of the Family Court, Tirunelveli and to transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.D.Nallathambi

For Respondent : Mr.M.Sankar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for a transfer of H.M.O.P.No.135 of 2016 from the file of Family Court, Tirunelveli to the file of the Family Court, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The petitioner is the wife of the respondent. The marriage between the petitioner and the responden was solemnized on 23.02.2015 at V.S.Chellam Sundara Meenakshi Mahal at Madurai as per the Hindu Rights and Customs. After the marriage, both of them were living in Sivanandha Colony, Coimbatore and at the instigation of her mother-in-law, the respondent was ill-treating her even for small matters despite the fact that she has fullfilled her duties sincerely being a Hindu wife.

4. The petitioner would aver that on 24.02.2016 she gave birth to a male child. However, the respondent and her parents were not ready to conduct usual ceremonies as per the customs. While so, the respondent filed H.M.O.P.NO.135 of 2016 before the Family Court, Tirunelveli for divorce.



5. The learned counsel for the petitioner would submit that the Family Court, Tirunelveli has no jurisdiction to try the case and the petitioner is now living at Madurai with her parents along with 2 ½ months old child. She finds it very difficult to travel about 150 kms to attend the case at the Family Court, Tirunelveli. Her father is a heart patient and there is no support of any other male member to accompany the petitioner.

6. Per contra, the learned counsel for the respondent would submit that the allegations made in the affidavit are totally false. The respondent is working at Coimbatore and if the case is transferred to the Family Court, Madurai, he has to attend for each and every hearing, which would cause prejudice to the interest of the respondent.

7. It is settled law that in the case of matrimonial disputes, convenience of wife has to be given preference.

8. In view of the submissions made on either side, the learned Family Judge, Tirunelveli, is directed to transmit the entire records to the file of the Principal Subordinate Court, Madurai within a period of two weeks from the date of receipt of copy of this order and the learned Principal Subordinate Judge, Madurai, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible. No costs. Consequently, connected C.M.P.(MD) No.5495 of 2016 is closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Tirunelveli.

2.The Judge, Family Court,Madurai.

+1cc to Mr.D.NALLATHAMBI, Advocate Sr.No.41822

+1cc to Mr.M.SANKAR,Advocate Sr.No.41771

CM

AA/DB/10.08.2016/2p-5c

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