



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:19.08.2016**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

**Tr.C.M.P (MD)No.306 of 2016
and
C.M.P (MD)No.5604 of 2016**

P.Babeena Makewin

.. Petitioner

Vs.

X.Edison Magimairaj

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in I.D.O.P.No.180 of 2015 on the file of the Principal District Court, Thanjavur and to transfer the said case to the file of the Principal District Court, Trichy.

For Petitioner : Mr.C.Vakeeswaran

For Respondent : No appearance

ORDER

This petition is filed seeking to withdraw I.D.O.P.No.180 of 2015 from the file of the Principal District Court, Thanjavur, and transfer to the file of the Principal District Court, Trichy.

2. The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 04.05.2012 and out of the lawful wedlock, they are blessed with one male child namely, Miloson.

3.According to the petitioner, the respondent has filed I.D.O.P.No.180 of 2015 for dissolution of marriage with false and frivolous allegations. The petitioner has filed M.C.No.49 of 2015 before the Additional Mahila Court, Trichy under Section 12 of Protection of Women from Domestic Violence Act, 2005 and the respondent has already appeared and contesting the petition.

4.Mr.C.Vakeeswaran, learned counsel appearing for the petitioner would submit that the petitioner is a young lady aged about 31 years and she is not residing with her parents at Trichy along with the child, who is aged 3 years. It is further submitted that the parents of the petitioner are senior citizens and it is very difficult for the petitioner to travel along with the minor child to defend the case.



5.It is further submitted that even in the divorce petition, the respondent has admitted that he is presently working as Professional Service Officer in Dr.Reddy's Lab in Cuddalore and therefore, in case the petition is allowed, there is no difficulty for the respondent to appear before the Principal District Court at Trichy.

6.Despite service of notice, the respondent has not chosen to appear before this Court either in person or through his counsel.

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

8. In such view of the matter, this Transfer Civil Miscellaneous Petition is allowed. The learned Principal District Judge, Thanjavur, is directed to transmit the entire records in I.D.O.P.No.180 of 2015 to the file of the Principal District Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order, after obtaining the records on transfer, the learned Principal District Judge, Trichy, shall dispose of the same as expeditiously as possible. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

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

+1cc to Mr.C.VAKEESWARAN,ADVOCATE IN SR.No. 45847

pjl
JA-DB-20.09.2016/2P:4C

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