



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

TR.C.M.P.(MD).No.333 of 2016

and

C.M.P.(MD)No.6334 of 2016

Johnsi Amalarani

... Petitioner/Respondent

Vs.

S.Arul Prakash

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the I.D.O.P.No.25 of 2016 from the file of the learned District and Sessions Judge, Tiruchirappalli and transfer the same to the District and Sessions Court, Sivagangai be tried along with I.D.O.P.No.23 of 2015 on his file.

For Petitioner

: Mr.P. Mahendran

For Respondent

: No appearance.

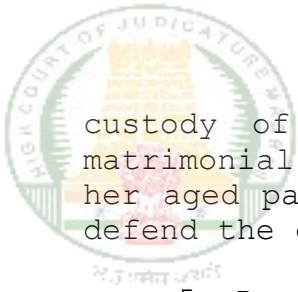
O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw the application in I.D.O.P.No.25 of 2016 from the file of the learned District and Sessions Judge, Thiruchirappalli and transfer the same to the District and Sessions Court, Sivagangai to be tried along with I.D.O.P.No.23 of 2015.

2. Mr.P.Mahendran, learned counsel for the petitioner would submit that the petitioner is the wife of the respondent and she is a permanent resident of Karaikudi. The marriage between the petitioner and the respondent was solemnized on 11.11.2012, as per the Christian Rites and Customs.

3. It is further submitted that earlier, the respondent filed I.D.O.P.No.103 of 2013 before the III Additional District and Sessions Court, Thiruchirappalli against the petitioner for restitution of conjugal rights and the same was transferred from the III Additional District and Sessions Court, Thiruchirappalli to the District and Sessions Court, Sivagangai in Tr.C.M.P.No.74 of 2014 filed by the petitioner. While so, the respondent has now filed I.D.O.P.No.25 of 2016 before the District and Sessions Court, Thiruchirappalli under Section 10 (VII), 10(IX) and 10(X) of Indian Divorce Act.

4. The learned counsel for the petitioner would further submit that the petitioner has been blessed with twins and both of them are in the



custody of the petitioner, that after the petitioner left from the matrimonial house due to harassment met by her, she is now residing with her aged parents and she could not travel for more than 80 Kilometers to defend the case filed by her husband.

5. Despite service of notice, the respondent has not chosen to appear either in person or through counsel and contest the petition.

6. It is settled law and in the cases arise out matrimonial disputes, the convenience of the wife shall be given preference.

7. In such view of the matter, this petition is allowed and the petition in I.D.O.P.No.25 of 2016 is ordered to be withdrawn from the file of the learned District and Sessions Judge, Thiruchirappalli and transferred to the file of the District and Sessions Court, Sivagangai for joint trial along with I.D.O.P.No.23 of 2015.

8. The learned District and Sessions Judge, Thiruchirappalli is directed to transmit the entire records to the file of the learned District and Sessions Judge, Sivagangai for joint trial along with I.D.O.P.No.23 of 2015, within a period of two weeks from the date of receipt of a copy of this order and the learned District and Sessions Judge, Sivagangai, after obtaining the records on transfer, is directed to dispose the matter as expeditiously as possible. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1. The District and Sessions Court, Tiruchirappalli.
2. The District and Sessions Court, Sivagangai.

+1CC to M/S.P.Mahendran, Advocate, SR.No. 37747

TR.C.M.P. (MD) .No.333 of 2016
and
C.M.P. (MD) No.6334 of 2016
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