



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2016

WEB COPY

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

**Tr.C.M.P(MD)No.58 of 2016
and C.M.P(MD)No.1242 of 2016**

S.Parimala @ Susai Mary ... Petitioner

Vs.

D.Vensaslas Justin ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw D.O.P.No.990 of 2015 on the file of the Additional Family Court, Coimbatore and to transfer the same to the District Court, Dindigul.

For Petitioner : Mr.B.Tamilnidhi
For Respondent : Mr.T.Lenin Kumar

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in D.O.P.No.990 of 2015 on the file of the Additional Family Court, Coimbatore and transfer the same to the District Court, Dindigul.

2.The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 03.07.2011 and both husband and wife were residing at Coimbatore. Due to wedlock, they were blessed with two children. The respondent / husband demanded more dowry and harassed the petitioner and thrown out from the matrimonial home. Whiles, the respondent / husband filed a petition in D.O.P.No.990 of 2015 before the Additional Family Court, Coimbatore for divorce.

3.According to the petitioner, she is residing along with her children at Dindigul. Now she is working as a Teacher in St.Joseph's Girls High School, Dindigul. The distance between Dindigul and Coimbatore is about 200 kms, and therefore, it is very difficult for the petitioner to travel each and every hearing to attend the case in D.O.P.No.990 of 2015 before the Additional Family Court, Coimbatore. Hence, she has come out with the present petition for transfer.



4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference as held by the Hon'ble Supreme Court in the judgments reported in **2008(9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)** and **AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another)**. Therefore, I am of the view that the petitions filed by the wife is liable to be allowed.

6. Considering the facts and circumstances of the case and the submission of the learned counsel on either side, this Transfer Civil Miscellaneous Petition is ordered and D.O.P.No.990 of 2015 before the Additional Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the District Court, Dindigul. The learned Additional Family Court, Coimbatore is directed to send the case bundles in D.O.P.No.990 of 2015 to the District Court, Dindigul. No costs. Consequently, connected C.M.P. is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, The Additional Family Court, Coimbatore.
2. The District Judge, Dindigul.

+1CC to Mr. T. Lenin Kumar Advocate Sr.No.17519
+1CC to M/s. C. Arockia Selvi Advocate Sr.No.17413

GJM/SK.SKN.20.4.16-2P-5C

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