



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.84 of 2016

and

C.M.P. (MD) .No.1433 of 2016

Megala @ Jersin Megala

... Petitioner/Defendant

Vs.

Anbu @ Anbu Punithan

... Respondent/Plaintiff

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the O.S.No.37 of 2015 on the file of the Family Court, Coimbatore to the file of the Family Court, Trichy.

For Petitioner : Mr.K.Abiya

For Respondent : No appearance

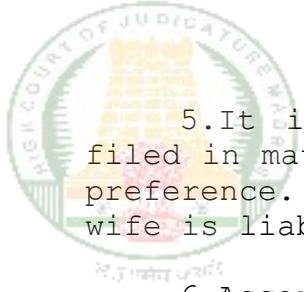
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the O.S.No.37 of 2015 on the file of the learned Judge Family Court, Coimbatore to the file of the Family Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.08.2013. Due to dispute between the petitioner and the respondent, the petitioner left the matrimonial home. The respondent filed I.D.O.P.No.1000/2014 for divorce before the Family Court, Coimbatore. Later on, he has withdrawn his case on 01.12.2015. Now, he filed a suit in O.S.No.37 of 2015 before the same Court praying to declare the marriage between them as null and void.

3.According to the petitioner, she is residing at Trichy and she is very poor. She is not having any independent income and she is depending on her parents for her day to day expenses, including the travelling expenses. The distance between Trichy and Coimbatore is more than 200 kms and it is very difficult for her to travel such a long distance for each and every hearing. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition for the aforesaid relief.

4.I have heard M/s.K.Abiya, learned counsel appearing for the petitioner and carefully perused the entire materials on record. Though notice was served on the respondent and also his name is printed in the cause list, he has not chosen to appear either in person or through counsel.



5.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

6.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the suit in O.S.No.37 of 2015 pending on the file of the Family Court, Coimbatore is ordered to be withdrawn and transferred to the file of the Family Court, Trichy. The learned Judge Family Court, Coimbatore, is directed to transmit the entire records pertaining to the suit in O.S.No.37 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, the connected C.M.P is closed.

Sd/-

Assistant Registrar (CO Dept.)

/True Copy/

Sub Assistant Registrar

To

1.The Judge, Family Court,
Coimbatore.

2.The Judge, Family Court,
Trichy.

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/S.K.ABIYA, ADVOCATE IN SR NO. 13803

NS

TE/SKS-RR/ : 23/03/2016 : 2P/5C

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