



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

Tr.C.M.P. (MD) .No.142 of 2017
and C.M.P. (MD) No.3225 of 2017

G.Ranipriya

.. Petitioner

Vs.

M.Anand

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in I.D.O.P.No.64 of 2016 on the file of the Family Court, Madurai and transfer the same to the file of District Court, Karur, for disposal of the same on merits in accordance with law.

For Petitioner : Mr.K.Govindarajan

For Respondent : Mr.K.Balasundaram

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking for transfer of I.D.O.P.No.64 of 2016 from the file of Family Court, Madurai to the file of District Court, Karur.

2. Heard Mr.K.Govindarajan, learned counsel appearing for the petitioner and Mr.K.Balasundaram, learned counsel appearing for the respondent.

3. The learned Counsel for the petitioner would submit that the petitioner is the wife of the respondent. The marriage between them was solemnized as per Christian rites in the Bethel Church, Arasaradi, Madurai on 05.07.2010. At the time of marriage, the petitioner was adorned with 50 sovereign of jewels and the respondent was adorned with golden bracelet, chain and the ring by her father.

4. Out of wedlock, a female child was born in the year 2011. Due to the indifferent attitude of the respondent and his mother, the petitioner was forced to live separately with her child. During May 2014, the petitioner was diagnosed with cancer and the petitioner had undergone a surgery on 28.10.2014 and in spite of knowing all these facts, the respondent herein has neither taken any care nor took steps for her proper welfare.

5. Due to the advises of the doctors, the petitioner had been temporarily staying at Chennai for the purpose of taking treatment and continuing her studies. Now, the petitioner is living with her parents at Kulithalai. The respondent filed an



application in I.D.O.P.No.64 Of 2016, on the file of Family Court, Madurai under Section 10(1)(ix) & (x) of Christian Divorce Act 1869, claiming dissolution of Marriage dated 05.07.2010.

6. The learned counsel for the petitioner submitted that the petitioner, being a cancer patient with a young child, could not travel a long distance and sought transfer of the case to Karur.

7. It is well settled law that whenever, a 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)**.

8. In view of the above judgement, I am of the view that the petition filed by the wife is liable to be allowed with the following directions:

i) The learned Judge, Family Court, Madurai, is directed to transmit the entire records in I.D.O.P.No.64 of 2016 to the file of the District Court, Karur, within a period of two weeks from the date of receipt of copy of this order

ii) the learned District Judge, Karur, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.3225 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To,

- 1.The Judge, Family Court, Madurai.
- 2.The District Judge, Karur.

+1 CC to M/s.K.GOVINDARAJAN, Advocate, SR No. 64605.

+1 CC to M/s.K.BALASUNDARAM, Advocate, SR No. 64660.

CM/TSG

PSM/MR-KKR/SAR2/31.08.2017/2P/5C