



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2017

CORAM

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

TR.C.M.P(MD)No.26 of 2017

and

CMP(MD)No.870 of 2017

Sonia Kumari

...Petitioner

Vs.

Antony Michel

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the petition in I.D.O.P.No.52 of 2016 pending on the file of the District Court, Chengalpattu to the file of the District Court, Sivagangai.

For Petitioner

: Mr.M.Ramu

For Respondent

: Mr.Bharadhidasan

for Mr.S.Muthukumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.52 of 2016 pending on the file of the District Court, Chengalpattu and transfer the same to the file of the District Court, Sivagangai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.08.2015 as per Christian Rites and Customs. At the time of marriage, the parents of the petitioner offered 40 sovereigns of jewels and a cheque for Rs.2 lakhs to the respondent. Due to delay in collection of cheque, the respondent and his family members caused cruelty and demanded more dowries from her family members. The petitioner is now staying at her parents house. The petitioner filed I.D.O.P.No.4 of 2016 before the District Court, Sivagangai, for divorce. The respondent filed I.D.O.P.No.52 of 2016 before the District Court, Chengalpattu for restitution of conjugal rights. Hence, it is difficult for the petitioner to travel from Sivagangai to Chelgalpattu for hearings.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent and also perused the materials available on record.

4.It is well settled law that whenever, the transfer of cases from one court to another 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 @ <https://hccpcsb.court.gov.in/hccsb/cases/>)



Pinki Devi and another Vs. Dharmendra Kumar Gupta) and AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another). I am satisfied with the reasons stated in the affidavit filed in support of this petition.

5. Taking into consideration of the facts and circumstances of the case and in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed with the following directions:-

i) The learned Judge, District Court, Chengalpattu, is directed to transmit the entire records in I.D.O.P.No.52 of 2016 to the file of the District Court, Sivagangai, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned District Judge, Sivagangai., after obtaining the records on transfer, is directed to dispose of both I.D.O.P.No.52 of 2016 as expeditiously as possible in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Chengalpattu.

2. The District Judge, Sivagangai.

+1cc to M/S.M.Ramu, Advocate SR.No. 70002

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rj2

JM/SV AA/SAR 2/17.08.2017/2P/4C