



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2017

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.38 of 2017

and

C.M.P(MD)No.1003 of 2017

S.Guruvammal @ Angelina Beulah

...Petitioner/Respondent

Vs.

S.Suresh

.. 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.23 of 2016, on the file of the Principal District Judge, Ramanathapuram to the Principal District Judge, Tuticorin.

For Petitioner : Mr.Mathan Kumar
for Ka.Raamakrishnan

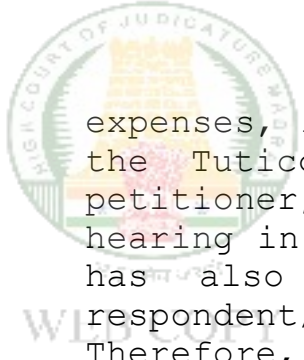
For Respondent : Mr.T.Arul

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.23 of 2016, pending on the file of the Principal District Court, Ramanathapuram and transfer the same to the Principal District Court, Tuticorin.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.09.2013 as per Christian Rites and Customs. After the marriage, both were living together in the matrimonial home at S.Thatharaikudi, R.C.Puram, Kadaladi Taluk, Ramanathapuram District. Due to misunderstanding between the petitioner and the respondent, the respondent thrown out the petitioner from the matrimonial home and both were living separately.

3.According to the petitioner, she is residing at Tuticorin along with her aged parents. 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 the Tuticorin and Ramanathapuram is more than 150 kms. The petitioner, being a lady, finds it very difficult to attend the hearing in the Court at Ramanathapuram without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Tuticorin. Therefore, she prayed for transfer I.D.O.P.No.23 of 2016, on the file of the Principal District Court, Ramanathapuram to Principal District Court, Tuticorin.

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

5. Though the learned counsel appearing for the respondent denied the averments mentioned in the affidavit, but he has no objection to allow the Transfer Civil Miscellaneous Petition.

6. 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 petition filed by the wife is liable to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.23 of 2016, on the file of the Principal District Court, Ramanathapuram, is hereby withdrawn and transferred to the file of the Principal District Court, Tuticorin. The learned Principal District Judge, Ramanathapuram is directed to send the case bundles to the Principal District Court, Tuticorin, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, C.M.P(MD)No.1003 of 2017 is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Ramanathapuram,

2. The Principal District Judge,
Tuticorin.



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

+1cc to Mr.KA.Ramakrishnan, Advocate Sr.No. 12804
+1cc to Mr.T.Arul, Advocate Sr.No. 12912

am/sss

AE/SKN/SAR2/14.03.2017/3P/6C

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