



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.03.2017**

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.50 of 2017
and
C.M.P(MD)No.1252 of 2017

P. Rajaboopathy ...Petitioner/Respondent

vas.

V. Siluvaimuthu ...Respondent/Petitioner

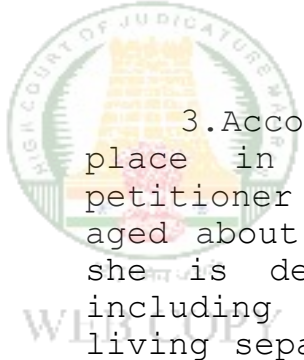
Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in I.D.O.P.No.186 of 2016, on the file of the IV Additional Principal District Court, Tirunelveli and transfer the same to the Principal District Court, Virudhunagar District at Srivilliputhur.

For Petitioner : M/s. G. Marimuthu
For Respondent : Mr. N. Dilip Kumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw I.D.O.P.No.186 of 2016, pending on the file of the IV Additional Principal District Court, Tirunelveli and transfer the same to the Principal District Court, Virudhunagar.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.06.2010 at Holy Yahappar Church, Duraisamiyapuram Village as per Christian Rites and Customs. The respondent is working as a Graduate Teacher (Maths) in the Holy Saviour Higher Secondary School, Palayamkottai. After the marriage, both were living together in the matrimonial home. Two children were born in the wedlock. Both children were aged about 5 ½ years and 1 year respectively. In the month of November, 2016, dispute arose between the petitioner and the respondent. Due to that, the respondent thrown out the petitioner and her children from the matrimonial home without any reason and both were living separately. The respondent filed I.D.O.P.No.186 of 2016, before IV Additional District Court, Tirunelveli for divorce by making false allegations against the petitioner.



3. According to the petitioner, she is residing at her native place in a village near Panjampatti, Rajapalayam Taluk. The petitioner is not having father and his mother is senior citizen aged about 60 years. She is not having any independent income and she is depending on her parents for her day-to-day expenses, including the travelling expenses. Her brother got married and living separately along with his family members. There is no direct bus facilities are available between Panjampatti Village to Tirunelveli. The distance between the Panjampatti Village and Tirunelveli is more than 100 kms. The petitioner, being a lady, finds it very difficult to attend the hearing in the Court at Tirunelveli along with her children without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Virudhunagar. Therefore, she prayed for transfer I.D.O.P.No.186 of 2016, on the file of the IV Additional Principal District Court, Tirunelveli to Principal District Court, Virudhunagar.

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

5. The learned counsel appearing for the respondent 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.186 of 2016, on the file of the IV Additional Principal District Court, Tirunelveli, is hereby withdrawn and transferred to the file of the learned Principal District Court, Virudhunagar. The learned IV Additional Principal District Judge, Tirunelveli is directed to send the case bundles to the learned Principal District Court, Virudhunagar, 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.1252 of 2017 is closed.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The IV Additional Principal District Judge,
Tirunelveli, Tirunelveli District.



2.The Principal District Judge,
Virudhunagar District,
at Srivilliputhur.

COPY TO
THE SECTION OFFICER,
V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

+1 cc to Mr.N.DILIP KUMAR ,ADVOCATE,SR NO.13037

+1 CC TO MR.G.MARIMUTHU,ADVOCATE, SR NO.12689

am/sss

MAS/SKN-RSK:21.03.2017:3P-6C

TR.C.M.P (MD) No.50 of 2017
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