



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P(MD)No.239 of 2016
and
C.M.P(MD)No.4703 of 2016

M.S.Arthy

... Petitioner

Vs.

V.Sebasti John @ Sebastin Arockia John

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.16 of 2006 on the file of the District Court, Chengalpattu and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr. V. Janakiramulu

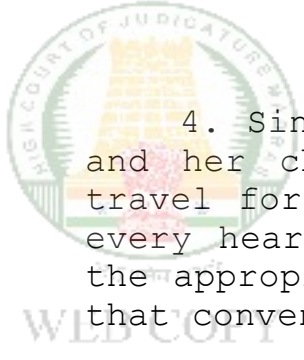
For Respondent : No Appearance

ORDER

The petitioner/wife has come before this Court seeking to withdraw I.D.O.P.No.16 of 2006 on the file of the District Court, Chengalpattu and transfer the same to the file of the Family Court, Madurai.

2. The petitioner/wife and the respondent/husband got married on 28.05.2009. After the marriage, both were living together as husband and wife in the matrimonial home. One male child was born in the wedlock. Due to misunderstanding, they are living separately. The respondent filed I.D.O.P.No.16 of 2006 before the District Court, Chengalpattu, for dissolution of marriage. The petitioner/wife is residing along with her parents and her child at Madurai. The distance between Madurai and Chengalpattu is more than 400 Kilometers and there is no male assistance to accompany her for each and every hearing of the case at Chengalpattu. Hence, the petitioner has come out with the present petition for the relief stated supra.

3. Heard the learned Counsel for the petitioner/wife and perused the materials available on record. Though notice was served on the respondent/husband and his name is printed in the
<https://hcservicescourts.hcs.in/hcservices/> has not chosen to appear either in person or through counsel.



4. Since the petitioner/wife is living along with her parents and her child at Madurai, it is very difficult for a lady to travel for about 400 Kilometers from Madurai to Chengalpattu, for every hearing. The place of residence of the petitioner/wife is the appropriate place for trying the case and it is a settled law that convenience of the wife should be given preference.

5. Therefore, I.D.O.P.No.16 of 2016 on the file of the District Court, Chengalpattu, is withdrawn and transferred to the Family Court, Madurai.

6. Accordingly, this Transfer Civil Miscellaneous Petition is ordered as above. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Judge, Chengalpattu.

2.The Judge, Family Court, Madurai.

+1cc to Mr.V.Janakiramulu, Advocate, SR.17172

Tr.C.M.P (MD) No.239 of 2016

and

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SSS

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