

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.1045 of 2017

and C.M.P.No.21224 of 2017

S.Lourdu Gracy

... Petitioner

Vs.

R.Jebin

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.74 of 2017 pending on the file of the Principal District Court, Dindigul and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.G.Purushothaman

For Respondent : Mr.A.Balasingh Ramanujam

O R D E R

This petition is filed to withdraw I.D.O.P.No.74 of 2017 pending on the file of the Principal District Court, Dindigul and transfer the same to the file of the Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 15.05.2003 as per Christian rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Maraimalai nagar, Chennai. In the wedlock, a female child was born on 26.05.2004. The respondent ill-treated the petitioner by demanding dowry and the petitioner was forced to left the matrimonial home. In the circumstances, the respondent filed I.D.O.P.No.74 of 2017 on the file of the Principal District Court, Dindigul, for restitution of conjugal rights against the petitioner making false allegations.

3.According to the petitioner, she is residing in Chennai along with her aged parents and minor daughter and serving as a Doctor in a private hospital. Her minor daughter is studying in X standard in a school in Chennai. Therefore, her presence is necessary for the welfare of the minor daughter as well as her aged parents. Further, the distance between Dindigul and Chennai is more than 400 kilometers and hence, it is very difficult for her to attend the Court proceedings at Dindigul. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer I.D.O.P.No.74 of 2017 pending on the file of the Principal District Court, Dindigul, to the file of the Family Court, Chennai.

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

5.Considering the above contention of the learned counsel for the petitioner and respondent and well settled judicial pronouncement of 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], the convenience of the wife must be given preference in the matrimonial proceedings.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in I.D.O.P.No.74 of 2017 is ordered to be withdrawn from the file of the Principal District Court, Dindigul and transferred to the file of the Family Court, Chennai. The learned Principal District Judge, Dindigul, is directed to transmit all the records pertaining to I.D.O.P.No.74 of 2017 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge, Dindigul.

2.The Judge, Family Court, Chennai.

+2cc to Mr.I.Jeyaraj, Advocate Sr.No.29342

+1cc to Mr.A.Balasingh Ramanujam, Advocate Sr.No.29283

GJ(CO)

sm:10.5.2018

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and C.M.P.No.21224 of 2017