

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.174 of 2018
and C.M.P.No.4710 of 2018

Divya Mary

... Petitioner

Vs.

Jegan Anthony Raj @ Jagan Raj

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.1 of 2018 pending on the file of the Principal District and Sessions Court, Ariyalur and transfer the same to the file of the Principal District and Sessions Court, Cuddalore.

For Petitioner : Mr.N.Senthil Kumar

For Respondent : Ms.R.Lavanya for
Mr.M.Guruprasad

O R D E R

This petition is filed to withdraw I.D.O.P.No.1 of 2018 pending on the file of the Principal District and Sessions Court, Ariyalur and transfer the same to the file of the Principal District and Sessions Court, Cuddalore.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 03.05.2015 as per Christian rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Ariyalur. At the instigation of the respondent and his family members, the petitioner underwent surgery on 18.10.2016 at Cuddalore, to get pregnancy. The respondent and his family members never visited the petitioner at hospital. On 26.12.2016, the petitioner and her brother went to Ariyalur and begged the respondent and his family members for re-union. The respondent and his family members refused to permit the petitioner entering into the matrimonial home and family members of the respondent had beaten the petitioner and her brother. While so, the respondent filed I.D.O.P.No.1 of 2018 on the file of the Principal District and Sessions Court, Ariyalur, for divorce by suppressing the above facts and making false allegations against the petitioner. The petitioner is taking steps to file petitions for restitution of conjugal rights and maintenance against the respondent.

3. According to the petitioner, she is residing at Cuddalore, along with her brother. The distance between Cuddalore and Ariyalur is more than 150 kilometers and being a lady, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Ariyalur. Further, the petitioner has no independent income and is depending on her brother for her day-to-day expenses including travelling expenses. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer I.D.O.P.No.1 of 2018 pending on the file of the Principal District and Sessions Court, Ariyalur, to the file of Principal District and Sessions Court, Cuddalore.

4. The learned counsel for the respondent submitted that the allegation made by the petitioner against the respondent is not true and there is no such incident occurred as alleged by the petitioner. If this Transfer Petition is allowed and I.D.O.P. is transferred to the Court at Cuddalore, the respondent will be put to irreparable loss and prayed for dismissal of the Transfer Petition.

5. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6. Considering the above contention of the learned counsel for the petitioner as well as the 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in I.D.O.P.No.1 of 2018 is ordered to be withdrawn from the file of the Principal District and Sessions Court, Ariyalur and transferred to the file of the Principal District and Sessions Court, Cuddalore. The learned Principal District and Sessions Judge, Ariyalur, is directed to transmit all the records pertaining to I.D.O.P.No.1 of 2018 to the file of the Principal District and Sessions Court, Cuddalore, 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(Audit)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge, Ariyalur.

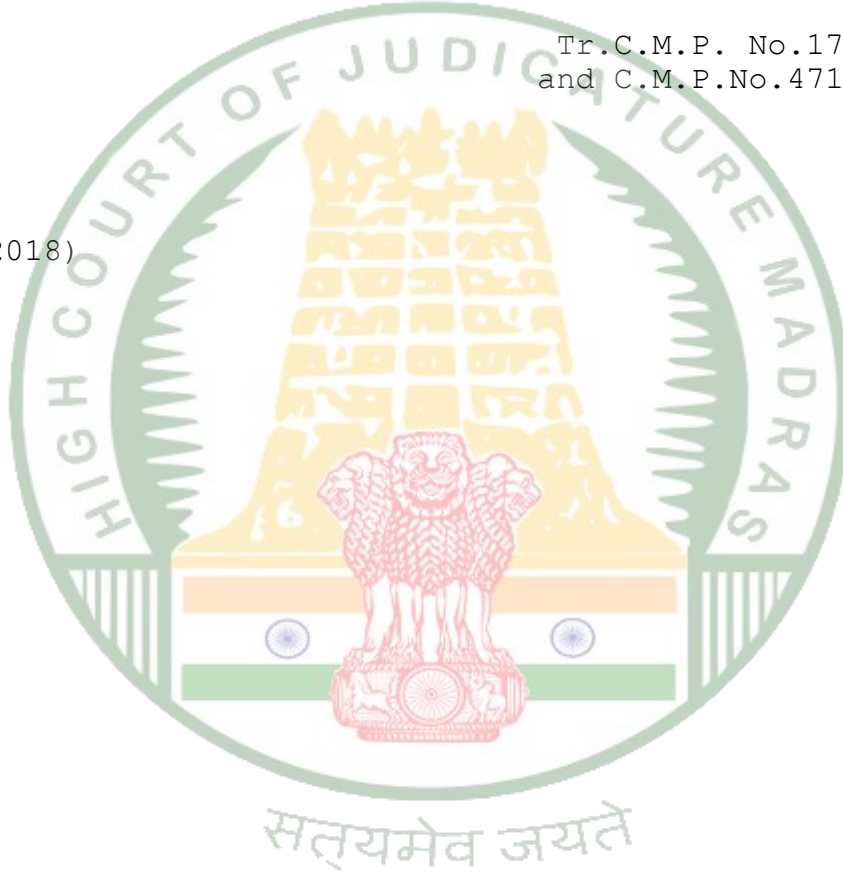
2.The Principal District and Sessions Judge, Cuddalore.

+1 cc to Mr. N. Senthil Kumar, Advocate Sr.47461

+ 1 cc to Mr. M. Guruprasad, Advocate Sr.48397

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VBA (CO)
EU (06/08/2018)



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