

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.336 of 2018
and C.M.P.No.8635 of 2018

Leema Josephin

... Petitioner

Vs.

Vinoth Kumar

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.35 of 2015 pending on the file of the Principal District Court, Tiruchirappalli and transfer the same to the file of the Principal District Court, Perambalur.

For Petitioner : Mr.M.Habeebrahman
For Respondent : No appearance

O R D E R

This petition is filed to withdraw I.D.O.P.No.35 of 2015 pending on the file of the Principal District Court, Tiruchirappalli and transfer the same to the file of the Principal District Court, Perambalur.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 12.11.2014 as per Christian rites and customs. At the instigation of his mother, the respondent tortured the petitioner demanding dowry. The petitioner lodged a complaint before the Inspector of Police, All Women Police Station, Lalgudi. As a counter blast, the respondent filed I.D.O.P.No.35 of 2015 before the Principal District Court, Tiruchirappalli, for divorce against the petitioner.

3. According to the petitioner, she is residing in a village at Eraiyur, Veppamthattai taluk, Perambalur District along with her aged parents. The distance between her residence and Tiruchirappalli is 75 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Tiruchirappalli. Further, she is not having any independent

income and she is depending on her parents 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.35 of 2015 pending on the file of the Principal District Court, Tiruchirappalli, to the file of the Principal District Court, Perambalur.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on the respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel.

5.Considering the above contention of the learned counsel for the petitioner 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.35 of 2015 is ordered to be withdrawn from the file of the Principal District Court, Tiruchirappalli and transferred to the file of the Principal District Court, Perambalur. The learned Principal District Judge, Tiruchirappalli, is directed to transmit all the records pertaining to I.D.O.P.No.35 of 2015 to the file of the Principal District Court, Perambalur, 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

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge, Tiruchirappalli.

2.The Principal District Judge, Perambalur.

+1cc to Mr.M.Habeebrahman, Advocate, S.R.No.40528

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BS (co)

CS/16/07/18