



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2018

CORAM :

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARANTr.C.M.P.(MD)No.169 of 2018 and
C.M.P.(MD)No.3998 of 2018

Virgin Mary, W/o.Anthony Baskar ... Petitioner/Respondent

Vs.

Anthony Baskar, S/o.Adaikalasamy ... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the petition in I.D.O.P.No.20 of 2018, from the file of Principal District Court, Thanjavur, and transfer the same to the file of Principal District Court, Trichy, or any other Courts in Trichy.

For Petitioner : M/s.R.Yamuna
For Respondent : Mr.P.Palani**ORDER**

This petition has been filed by the petitioner/wife to withdraw and transfer the case in I.D.O.P.No.20 of 2018, pending on the file of Principal District Court, Thanjavur, to the file of Principal District Court, Trichy.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.09.2002. Three children were born in the wedlock on 01.07.2003, 21.11.2006 and 20.03.2009. Due to misunderstanding between them, the respondent tortured the petitioner, attacked her and her son and driven out her from the matrimonial home. Therefore, the petitioner filed D.V.C.No.135 of 2017 before the Additional Mahila Court, Trichy, and the same is pending. She has also filed M.C.No.57 of 2017 before the Chief Judicial Magistrate Court, Trichy, for maintenance and the same is pending. Thereafter, the respondent filed I.D.O.P.No.20 of 2018 before the Principal District Court, Thanjavur, for divorce.

3.According to the petitioner, she is residing at Trichy and there is no safety for her to attend the hearing before the Principal District Court, Thanjavur. She is not having any independent income and depending on her parents for her day-to-day expenses including the travelling expenses. The distance between Thanjavur and Trichy is more than 50 Kilometers. It is very



difficult for her to appear before the Principal District Court at Thanjavur, for each and every hearing. Therefore, she has come out with the present petition to withdraw the case in I.D.O.P.No.20 of 2018 from file of the Principal District Court, Thanjavur, and transfer the same to file of the Principal District Court, Trichy.

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4.I have heard the learned counsel appearing for the parties.

5.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

6.Accordingly, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.20 of 2018 on the file of the Principal District Court, Thanjavur, is hereby withdrawn, if the same is not yet disposed of and transferred to the file of the Principal District Court at Trichy. The learned Principal District Judge, Thanjavur, is directed to send the case bundles to the Principal District Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order. On receipt of entire papers, the learned Principal District Judge, Trichy, is directed to dispose of I.D.O.P.No.20 of 2018 on merits and in accordance with law, within a period of three months. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-3)

To

1. The Principal District Judge, Thanjavur.
2. The Principal District Judge, Trichy.

Copy To:-

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

- + 1 CC TO M/s.R.YAMUNA, ADVOCATE IN SR No. 72579
- + 1 CC TO Mr.P.PALANI, ADVOCATE IN SR No. 72572

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TE/PN/SAR-3 : 24/07/2018 : 2P/7C

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Tr.C.M.P. (MD) No.169 of 2018
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