



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) .No.177 of 2018 and
C.M.P. (MD) .No.4221 of 2018

Ponnarasi Lidhiyal

... Petitioner

Vs.

Stalin @ Stalin Joseph

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw and transfer the petition made in IDOP.No.15 of 2018 on the file of the District and Sessions Court, Dindigul to Family Court, Thirunelveli.

For Petitioner : Mr.P.M. Vishnuvarthanan
For Respondent : Mr.M. Subash Babu

ORDER

The Transfer Civil Miscellaneous Petition has been filed to withdraw the case in IDOP.No.15 of 2018, on the file of the District and Sessions Court, Dindigul and transfer the same to the file of the Family Court, Thirunelveli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.01.2014. A male child was born in the wedlock on 14.12.2014. Due to the mis-understanding between the petitioner and the respondent, the petitioner left the matrimonial home. Thereafter, the respondent / husband filed IDOP.No.15 of 2018, before the District and Sessions Court, Dindigul, for divorce.

3. Now, the petitioner is residing at Idayankudi, Thirunelveli District with her aged parents along with her child. The distance between Idayankudi and Dindigul is approximately 280 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend I.D.O.P.No.15 of 2018, pending on the file of the District and Sessions Court, Dindigul along with her minor child. Further, there is no one to accompany with her to travel such a long distance to attend I.D.O.P.No.15 of 2018, before the District and Sessions Court, Dindigul. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer IDOP.No.15 of 2018, on the file of the District and Sessions Court, Dindigul to the Family Court,



Thirunelveli.

4. The learned counsel appearing for the respondent vehemently opposed for transferring the case in IDOP.No.15 of 2018 on the ground there is no safety for the respondent to attend the case before the Family Court, Thirunelveli.

5. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by 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)**. In view of the above and also the submission made by learned counsel appearing for the respondent, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this Petition is allowed with the following directions:-

(a) The learned District and Sessions Judge, Dindigul, is directed to transmit the entire records pertaining to the case in I.D.O.P.NO.15 of 2018 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Judge, Family Court, Tirunelveli, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of two months.

(c) No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District and Sessions Judge, Dindigul.

2. The Judge, Family Court, Tirunelveli.

TRP
RJ/SKN/RSK/SAR-4/30/07/2018 - 2P/4C