



TR.CMP(MD).Nos.512 and 641 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).Nos. 512 and 641 of 2023 and
CMP(MD).Nos.11290 and 14267 of 2023

Sheeba Anne

... Petitioner in
TR.CMP(MD).No.512 of 2023
... Respondent in
TR.CMP(MD).No.641 of 2023

Vs.

Joseph Abraham Sundar

... Respondent in
TR.CMP(MD).No.512 of 2023
... Petitioner in
TR.CMP(MD).No.641 of 2023

PRAYER in Tr.C.M.P(MD).No.512 of 2023:- Petition filed under Section 24 C.P.C., to withdraw the IDOP.No.23 of 2023 on the file of the III Additional District Court, Tiruchirappalli and transfer the same to the file of the learned Principal District Court, Tirunelveli.

PRAYER in Tr.C.M.P(MD).No.641 of 2023:- Petition filed under Section 24 C.P.C., to withdraw the IDOP.No.201 of 2023 on the file of the Principal District Judge, Thirunelveli and transfer the same to the file of the Principal District Judge, Tiruchirappalli.



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For Petitioner in TR.CMP(MD).No.512 of 2023

Respondent in TR.CMP(MD).No.641 of 2023

: Mr.S. Sitharthan

For Respondent in TR.CMP(MD).No.512 of 2023

Petitioner in TR.CMP(MD).No.641 of 2023

: Mr. T.A. Ebanezer

COMMON ORDER

Tr.C.M.P(MD).No.512 of 2023 is filed to withdraw the IDOP.No.23 of 2023 on the file of the III Additional District Court, Tiruchirappalli and transfer the same to the file of the learned Principal District Court, Tirunelveli.

Tr.C.M.P(MD).No.641 of 2023 is filed to withdraw the IDOP.No.201 of 2023 on the file of the Principal District Judge, Thirunelveli and transfer the same to the file of the Principal District Judge, Tiruchirappalli.

2. The petitioner in Transfer CMP(MD).No.512 of 2023 is wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.08.2017 as per



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Christian Rites and customs. One male child was born out of wedlock.

Due to the matrimonial dispute, the petitioner was sent out of the matrimonial home. Thereafter, the husband filed IDOP.No.23 of 2023 on the file of the III Additional District Court, Tiruchirapalli seeking Divorce. In such circumstances, the wife filed IDOP.No.201 of 2023 on the file of the Principal District Court, Tirunelveli seeking restitution of Conjugal rights.

3. Now, the wife is residing at Thirunelveli with her aged parents along with child. The distance between Thirunelveli and Thiruchirappalli is approximately 300 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.23 of 2023 on the file of III Additional District Court, Tiruchirapalli. She is depending on her family members for her day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw the IDOP.No.23 of 2023 on the file of the III Additional District Court, Tiruchirappalli and transfer the same to the file of the learned Principal District Court, Tirunelveli. Subsequently, the husband has also filed Tr.C.M.P(MD).No. 641 of 2023 to withdraw the IDOP.No.201 of 2023 on the file of the Principal District Judge,



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Thirunelveli and transfer the same to the file of the Principal District Judge, Tiruchirappalli.

4. The learned counsel appearing for the husband submitted that there was a life threat to the husband when he attends the hearing at Thirunelveli and prayed for dismissal of the Transfer CMP filed by the wife. However, the wife has filed an undertaking affidavit that neither she nor her family members will make any harassment to him. The same is recorded.

5. Considering the facts and circumstances and also considering the fact that in the matrimonial disputes, the convenience of the wife shall be given preference, this Court is inclined to allow this petition.

6. Accordingly, the Transfer CMP is allowed and IDOP.No. 23 of 2023 pending on the file of the III Additional District Court, Tiruchirappalli is ordered to be withdrawn and transferred to the file of Principal District Court, Tirunelveli. The III Additional District Court, Tiruchirappalli is directed to transmit the entire records pertaining to the



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case in IDOP.No.23 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order.

7. In view of the order passed in TR.C.M.P(MD).No.512 of 2023, the connected TR.CMP(MD).No.641 of 2023 is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

25.03.2024

Internet : Yes / No
Index : Yes / No
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To

1. III Additional District Court, Tiruchirappalli
2. The Principal District Court, Tirunelveli.



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G.ILANGOVA N,J.

Trp

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