



Tr.C.M.P(MD)No.546 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.02.2025

Pronounced on : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.546 of 2024

and

C.M.P(MD)No.13038 of 2024

A.Joseline Jebachristy

... Petitioner

Vs.

1.D.Alex

2.Meenakshi Sundaram

3.Allen Kingsley

... Respondents

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in D.O.P.No.1195 of 2024 on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Tirunelveli, Tirunelveli District.

For Petitioner : Mr.N.Pragalathan

For R1 : Mr.G.Balaji

R2 & R3 : Dispensed with



Tr.C.M.P(MD)No.546 of 2024

ORDER

WEB COPY

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in D.O.P.No.1195 of 2024 from the file of the Family Court, Coimbatore and to transfer the same to the file of the Family Court, Tirunelveli.

2. The petitioner herein is the wife of the first respondent. Their marriage was solemnized on 24.05.2018 at Tisaiyanvilai of Tirunelveli District according to Christian customs and rites and out of wedlock, they were blessed with a female child named Jane Analia on 26.10.2019. It is alleged that due to misunderstanding between the spouses, they have been residing separately. Thereafter, the first respondent filed the petition in D.O.P.No.1195 of 2024 before the Family Court, Coimbatore to dissolve the marriage of the petitioner and the first respondent, which was solemnized on 24.05.2018.

3. The learned counsel for the petitioner has submitted that the petitioner was forced to leave the matrimonial home by the first respondent upon the false allegation of adultery. The petitioner and her female child are living with her parents at Tisaiyanvilai in Tirunelveli District. Her parents are aged and they have no sufficient means. She is depending on her parents without any means and she is struggling for her day to day life. She finds it very difficult to travel



Tr.C.M.P(MD)No.546 of 2024

415 km to attend the Court at Coimbatore. In the above circumstances, the

petitioner has filed this present Transfer Civil Miscellaneous Petition.

4. The learned counsel for the first respondent filed a counter and objected the petition. The learned counsel further submitted that the first respondent is physically disabled and is having 76% permanent physical impairment as his right leg was amputated. The first respondent is unable to travel long distances frequently and he is to walk with the help of a prosthetic leg and finds travelling physically stressful. Hence, this petition may be dismissed.

5. Submissions of both side considered. It is not disputed that the marriage between them was solemnized as per Christian rites and customs and they were blessed with a female child. Due to misunderstanding, they are living separately. It is alleged by the petitioner that she was driven out from the matrimonial home. It is alleged by the first respondent that the first respondent is a physically challenged person and is having 76% permanent disability. This petition is only for transfer of case. It is well settled proposition of law by the number of decisions of the Hon'ble Supreme Court that whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife



Tr.C.M.P(MD)No.546 of 2024

should be predominantly looked into and the wife's convenience shall be given

preference. The petitioner is now residing with her parents at Tirunelveli District which is not disputed by the respondent. Moreover, the marriage has also been solemnized at Tirunelveli District. At this juncture, the learned counsel for the first respondent submitted that as the first respondent's leg was amputated, the transfer may be considered to the middle place. For this submission, the petitioner's side has fairly accepted to transfer the case at the middle place conveniently at Dindigul. Therefore, taking note of the settled position of the convenience of the wife in matrimonial cases and also the submission of both sides regarding transfer of the case to the middle place between Coimbatore and Tirunelveli, this Court is of the view that the present petition filed by the wife is to be partly allowed and is inclined to transfer the case in D.O.P.No.1195 of 2024 to Dindigul.

6. In the result, this Transfer Civil Miscellaneous Petition is partly allowed. The petition in D.O.P.No.1195 of 2024 on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Family Court, Dindigul for disposal in accordance with law. The learned Judge, Family Court, Coimbatore, is directed to transmit the entire records pertaining to the case in D.O.P.No.1195 of 2024 to the transferee Court, within a period of two



Tr.C.M.P(MD)No.546 of 2024

weeks from the date of receipt of a copy of this order. No costs. Consequently,

the connected Miscellaneous Petition is closed.

21.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Family Court,
Dindigul.
- 2.The Family Court,
Coimbatore.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD)No.546 of 2024

P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.546 of 2024
and
C.M.P(MD)No.13038 of 2024

21.03.2025