



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.07.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Tr.C.M.P.(MD)No.361 of 2015

and M.P.(MD)No.1 of 2015

Saranya @ Keerthika

... Petitioner/Respondent-Wife

Vs.

Ramesh

... Respondent/Petitioner-Husband

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of r/w 151 of Civil Procedure Code, to withdraw the case on the file of the learned Subordinate Judge, Pudukkottai in H.M.O.P.No.136 of 2015 and transfer the same to the learned Subordinate Judge, Tirupur.

For Petitioner : Mr.D.Rameshkumar

For Respondent : No Appearance

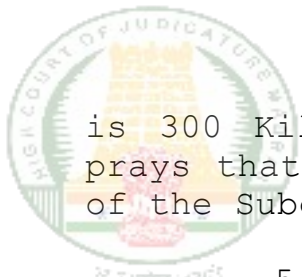
O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.136 of 2015 from the file of the Subordinate Court, Pudukkottai to the file of the Subordinate Court, Tiruppur.

2. Heard the learned counsel for the petitioner and there is no representation for the respondent.

3. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 02.06.2014 as per customs and the petitioner was not blessed with any child. Due to physical and mental torture given by her husband and her in-laws, the petitioner was forced to leave from the matrimonial home and now, the petitioner is living with her parental house.

4. The learned counsel for the petitioner would submit that only to harass the petitioner, the respondent has filed a petition in H.M.O.P.No.136 of 2015 before the Sub-Court, Pudukkottai and she is depending her parents' hand for her day-to-day life and she has to take care of her child also. It is further submitted that the petitioner is a physically challenged person and since the respondent is an influential person in the locality, there is threat also. Further, it is not possible for the petitioner to attend all Court hearings at Pudukkottai, since it



is 300 Kilometers away from her native place and therefore, he prays that H.M.O.P.No.136 of 2015 may be transferred to the file of the Subordinate Court, Tiruppur.

5. Though notice has been sent to the respondent, the same was returned with an endorsement that 'petitioner left India'. Even though the parents of the respondent are also residing in the address, notice was returned. The respondent has filed H.M.O.P.No.136 of 2015 and therefore, he has to make arrangement to receive notices with regard to the said case. But he has not done arrangements.

6. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer applications as held by the Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**. I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Subordinate Judge, Pudukkottai, is directed to transmit the entire records in H.M.O.P.No.136 of 2015 to the file of the Subordinate Court, Tiruppur, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Tiruppur, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.136 of 2015 as expeditiously as possible in accordance with law.

No costs. Consequently, connected M.P.(MD) No.1 of 2015 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,Tirupur.

2.The Subordinate Judge, Pudukkottai.

CM

+1cc to Mr.D.RAMESH KUMAR Advocate in SR. No.27108

JS/SV/SAR.2/31.07.2017/2P-4C

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and M.P. (MD)No.1 of 2015
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