



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.09.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.100 of 2017
and C.M.P (MD) No.2435 of 2017

Suganya @ Saththayi

... Petitioner

Vs.

K.Muthukrishnan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.160 of 2016, on the file of the Subordinate Court, Devakottai, Sivagangai District to transfer the same to on the file of Subordinate Court, Ramanathapuram, Ramanathapuram District, for adjudication.

For Petitioner : Mr.D.Balamurugapandi
For Respondent : Mr.A.Muralikumar

JUDGMENT

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.160 of 2016, from the file of the Subordinate Court, Devakottai, Sivagangai District to the file of Subordinate Court, Ramanathapuram, Ramanathapuram District.

2. The learned Counsel appearing for the petitioner would aver, among other things, that the marriage between the petitioner and the respondent was solemnized on 11.09.2011 at R.S.Mangalam Village, Thiruvadanai Taluk, Ramanathapuram, according to Hindu rites and customs. At the time of marriage, the petitioner's parents provided the gift of 40 sovereign of jewels to her and 10 sovereigns of gold to the respondent and house hold articles worth about Rs.3,00,000/- apart from that TATA indica car as Sridhana to the respondent. The petitioner resided together with the respondent at the matrimonial home. The petitioner was pregnant. At the time, the respondent was not given proper medical assistance to her and the petitioner was harassed and forcibly sent to her parents home. In this circumstances female child was born to them on 09.08.2012. At this point of time, the respondent went to foreign country, he was working there for three years. Then he returned back to India. He never turned up to see the child. The respondent's father was taking steps for second marriage to the respondent with his sister's daughter and the family members of the petitioner have taken steps for re-union and for compromise, which ended in vain.

<https://hcservices.ecourts.gov.in/hcservices/>

3. In this circumstances, the respondent filed H.M.O.P.No.160 of 2016 on the file of the Subordinate Court,



Devakottai, Sivagangai District. The petitioner submits that distance between Devakottai and Ramanathapuram is 150 kms and she is depending upon her parents and therefore, she is not in a position to travel and seeks for transfer.

4. The learned counsel for the respondent would submit that he had no objection for transfer but requested this Court to fix the time for disposal of the case at an early date.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

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, Devakottai, Sivagangai District is directed to transmit the entire records in H.M.O.P.No.160 of 2016 to the file of the Subordinate Court at Ramanathapuram, Ramanathapuram District, within a period of two weeks from the date of receipt of copy of this order.

ii) considering the submission of the learned counsel for the respondent, the learned Subordinate Court, Ramanathapuram, Ramanathapuram District, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.160 of 2016 within a period of six months thereafter.

No costs. Consequently, connected C.M.P.(MD) No.2435 of 2017 is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Devakottai, Sivagangai District.
2. The Subordinate Judge,
Ramanathapuram, Ramanathapuram District.

+ 1 CC TO Mr.B.BALAMURUGAPANDI, ADVOCATE IN SR No. 78847

+ 1 CC TO Mr.A.MURALIKUMAR, ADVOCATE IN SR No. 78560

CM

TE/SV-MMS/SAR-II : 22/09/2017 : 2P/5C