



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.228 of 2017

and

C.M.P (MD) No.5267 of 2017

Mrs.Devi

... Petitioner/ Petitioner

Vs.

Ravichandran

... Respondent / Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Sections 24 & 151 of the Civil Procedure Code, to withdraw the H.M.O.P.No.13 of 2017 on the file of Family Court, Karaikal, Pondicherry State and to transfer the same to Principal Subordinate Court, Thanjavur for trial.

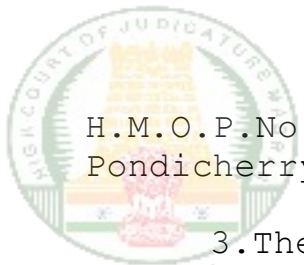
For Petitioner :Mr.K.Kumaravel

For Respondent :Mr.T.Arul

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.13 of 2017 on the file of Family Court, Karaikal, Pondicherry State and to transfer the same to Principal Subordinate Court, Thanjavur for trial.

2.The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 08.02.2009 at Ramasamy Kalyana Mahal at Thanjavur, as per Hindu Rites and Customs. It is the case of the petitioner that the respondent put up a matrimonial home at Chennai stating that he is working at Chennai and earning a sum of Rs.20,000/- p.m. As the petitioner was not worked, after three months, the petitioner questioned him about the same, for which, the respondent got angry and after six months, one day, the respondent came in a drunken mood and shouted against her and the petitioner requested him to come inside the house. So that, the respondent pulled her in the open space of terrace and asked her to stand in the rain and it is also the case of the petitioner that the respondent quarrelled with her in filthy language and therefore, now she is residing with her parents and the petitioner has filed a petition for restitution of conjugal rights in



H.M.O.P.No.13 of 2017 on the file of Family Court, Karaikal, Pondicherry State.

3.The learned counsel for the petitioner would submit that since the petitioner is under the mercy of her parents, she cannot travel such a long distance from Thanjavur to Karaikal. The petitioner is also temporarily working as Lecturer. The respondent is appearing before Thanjavur Court for DVC case and therefore, the petitioner prays for transfer of the above case.

4.The learned counsel for the respondent would submit that he has also no objection for transfer of the case.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

6.Having satisfied with the reasons stated in the affidavit filed in support of this petition and also considering the fact that the respondent has no objection and also considering the 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 Judge, Family Court, Karaikal, Pondicherry, is directed to transmit the entire records in H.M.O.P.No.13 of 2017 to the file of the Principal Subordinate Court, Thanjavur, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Principal Subordinate Court, Thanjavur, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.13 of 2017 as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.5267 of 2017 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,

<https://hcservices.ecourts.gov.in/hcservices/>
1. Family Court, Karaikal,
Pondicherry.



2. Principal Subordinate Court,
Thanjavur.

+1cc to Mr.K.Kumaravel, Advocate Sr.No.75702

+1cc to Mr.T.Arul, Advocate Sr.No.75589

RJ2

VB/GT/SAR3/14/09/2017/3P/5C

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