



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Tr.C.M.P. (MD) .No.229 of 2017
and C.M.P. (MD) No.5360 of 2017

J.Shampavi @ Arulvidya Shampavi

.. Petitioner

Vs.

K.Jawahar John Michel

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure r/w Section 151 C.P.C, praying to withdraw the case in I.D.O.P.No.13 of 2017 on the file of the Family Court, Madurai and transfer the same to the file of District Court, Sivaganga, for disposal of the same on merits in accordance with law.

For Petitioner : Mr.M.Muthamil Selvan
For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of I.D.O.P.No.13 of 2017, from the file of Family Court, Madurai to the file of District Court, Sivaganga.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized in Christian customs and rites on 30.08.2015 at St.Joseph Church, Gnanaolivupuram, Madurai. At the time of marriage, 50 sovereign of gold jewels, Rs.2 ½ Lakhs worth srithana articles, 7 sovereign of gold jewels, one wrist watch and Rs.3 Lakhs cash were given to the respondent as dowry.

3. The learned Counsel for the petitioner would further submit that the petitioner was a M.E. Graduate and she was working as Assistant Professor at K.Ramakrishna Engineering College, Trichy. But after the marriage, the respondent did not allow the petitioner to work as Assistant Professor at the above Engineering College.

4. The learned Counsel for the petitioner further submits that the respondent is B.E. M.B.A. Graduate and is working as a Software Engineer in a private concern at Karnataka State and after marriage, the petitioner and respondent lived in Karnataka. He would also submit that the petitioner has not lived happily with the respondent and the respondent has no cohabitation with the petitioner since Car was not given to him as dowry. The respondent



was also in the habit of scolding the petitioner with filthy language.

5. It is further case of the petitioner that the respondent had deserted her and therefore the petitioner filed a petition for restitution of conjugal rights in I.D.O.P.No.21 of 2017 on the file of the District Judge, Sivagangai and the respondent's native place is also within the jurisdiction of the District Judge, Sivagangai and the petitioner has no job and she is the dependant of her parents and she is not having money to travel to Madurai for hearing of the case in I.D.O.P. NO.13 of 2017, which is pending in Family Court, Madurai.

6. Though notice has been served on the respondent, he has not appeared in person or through counsel. Heard Mr.M.Muthamil Selvam, learned counsel appearing for the petitioner.

7. 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 Judge, Family Court, Madurai, is directed to transmit the entire records in I.D.O.P.No.13 of 2017 to the file of the District Court, Sivagangai, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned District Judge, Sivagangai, after obtaining the records on transfer, is directed to dispose of both I.D.O.P.No.13 of 2017 and 21 of 2011 as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.5360 of 2017 is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Madurai.
- 2.The District Judge, Sivaganga.

CM/TSG

TE/SKN-RSK/SAR-IV : 28/07/2017 : 2P/3C