



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2017

CORAM

WEB COPY

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

Tr.C.M.P(MD).No.248 of 2017

and

C.M.P(MD).No.5891 of 2017

S.Radha

... Petitioner / Respondent

Vs.

M.Ponn Maheswaran

... Respondent / Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 Code of Civil Procedure, to withdraw H.M.O.P.No.42 of 2017 on the file of Sub-Ordinate Judge, Ponneri, Thiruvallur District and to transfer the same to the Family Court, Madurai.

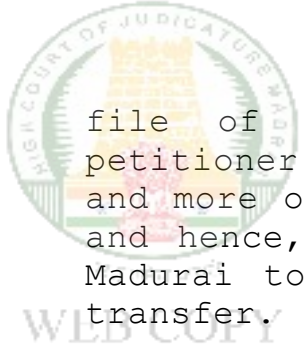
For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.T.Selvan

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw H.M.O.P.No.42 of 2017 on the file of Sub-Ordinate Judge, Ponneri, Thiruvallur District and to transfer the same to the Family Court, Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.11.2015 as per Hindu Rites and Customs and during the marriage, the parents of the petitioner offered 15 sovereigns of gold jewels to the petitioner and 3 sovereigns of gold to the respondent and other house hold articles worth about Rs.1,50,000/-. After the wedlock, the respondent and his family members treated the petitioner degradedly and unnecessarily developed quarrel against the petitioner and they had also demanded more dowry. Subsequently, the petitioner was driven out from the matrimonial home by giving physical and mental cruelty against her and therefore, due to the cruelty and harassment, the petitioner and her family members gave a complaint against the respondent and his family members before the All Women Police Station, Madurai and an FIR came to be lodged in Crime No.32 of 2017 and now the respondent has filed H.M.O.P.No.42 of 2017 on the



file of the Sub Court, Ponneri, Thiruvallur District. The petitioner submits that she is a dependent of her younger sister and more over, the distance between Madurai to Ponneri is 500 kms and hence, and it is difficult to the petitioner to travel from Madurai to Ponneri to defend her case. Therefore, she prays for transfer.

3.The learned counsel for the respondent is present and he would state that it is not difficult for her to transfer from Madurai to Ponneri.

4.Heard the learned counsel for the petitioner and the learned counsel for the respondent and also perused the materials available on record.

5.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in **2008(9) SCC 353 (Arti Rani @ Pinki Devi and another Vs.Dharmendra Kumar Gupta) and AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another)**. I am satisfied with the reasons stated in the affidavit filed in support of this petition.

6. Taking into consideration of the facts and circumstances of the case and in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed with the following directions:-

i) The learned Sub-Ordinate Judge, Ponneri, Thiruvallur District, is directed to transmit the entire records in H.M.O.P.No.42 of 2017 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Madurai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.42 of 2017 as expeditiously as possible in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar



To,

1.The Sub-Ordinate Judge,
Ponneri, Thiruvallur District.

2.The Judge,
Family Court, Madurai.

+1 cc to Mr.S.Jeyakarthik , Advocate in SR.No. 72257

rj2

AE/JC/SAR2/18.08.2017/3P/4C

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