



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.07.2017

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THE HONOURABLE MRS.JUSTICE J. NISHA BANU

TR.C.M.P (MD) No.280 of 2017

and

C.M.P (MD) No.6203 of 2017

Rajapriya ...Petitioner/Respondent

Vs.

Muneeswaran ...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.57 of 2017 on the file of Sub-Court at Ramanathapuram and transfer the same to Sub-Court, Devakottai.

For Petitioner :Mr.A.Murali Kumar

For Respondent :No Appearance

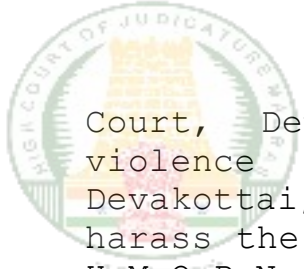
ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.57 of 2017 from the file of Sub-Court at Ramanathapuram and transfer the same to Sub-Court, Devakottai.

2. The brief facts of the case are as follows:

(i) The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.06.2014 as per Hindu Rites and Customs. At the time of marriage, the parents of the petitioner gave 30 sovereign of gold ornaments, house hold articles worth about Rs.2 lakhs and also cash of Rs.60,000/- for purchasing two wheeler, as Sridhana properties. After the marriage, the petitioner lived along with respondent in the matrimonial home at Devipattinam, Ramanathapuram District.

(ii) At the time of marriage, the respondent was working at Singapore. Therefore, after the marriage, he has gone to Singapore. Thereafter, the parents of the respondent and his sister demanded more dowry from the petitioner and therefore, there was some quarrel. Subsequently, the respondent came to India and had driven out the petitioner from the matrimonial home. Hence, the petitioner filed H.M.O.P.No.39 of 2017 before the Sub-



Court, Devakottai. Further, the petitioner filed domestic violence petition before the learned Judicial Magistrate, Devakottai, seeking maintenance. Subsequently, in order to harass the petitioner, the respondent filed a divorce petition in H.M.O.P.No.57 of 2017 on the file of the Sub-Court, Ramanathapuram.

3.The learned counsel for the petitioner submitted that the petitioner is under the care and custody of her parents, who are not in a sound financial position and therefore, it is difficult for her to go and appear before the Sub-Court, Ramanathapuram on each and every hearing in H.M.O.P.No.57 of 2017 and therefore, the said case may be transferred to the Sub-Court, Devakottai to try along with H.M.O.P.No.39 of 2017.

4. Heard the submission made by the learned counsel for the petitioner.

5.Notice sent to the respondent was returned with an endorsement 'left India' and even the family members of the respondent, did not receive the Court notice.

6.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.

7.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-Judge, Ramanathapuram, is directed to transmit the entire records in H.M.O.P.No.57 of 2017 to the file of the Sub-Court, Devakottai, within a period of two weeks from the date of receipt of copy of this order.

ii)the learned Sub-Judge, Devakottai, after obtaining the records on transfer, is directed to dispose of both H.M.O.P.Nos.39 and 57 of 2017 as expeditiously as possible in accordance with law.

No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-I)



To

1.The Subordinate Judge,
Devakottai.

2.The Subordinate Judge,
Ramanathapuram.

+1cc to Mr.R.MURALIKUMAR Advocate in SR. No.67727

PM

JS/SKN.RSK/SAR.3/31.07.2017/3P-4C

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