



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.07.2017

CORAM

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

TR.C.M.P (MD) No.286 of 2017

and

C.M.P. (MD) No.6293 of 2017

SMT.Rajeswari

...Petitioner

Vs.

Dr.Jayasimman

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.1244 of 2016 on the file of the Additional Family Court, Coimbatore to Sub Court, Tiruchendur.

For Petitioner :Mr.S.Kadarkarai

For Respondent :Mr.M.Anbusaravanan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.1244 of 2016 from the file of the Additional Family Court, Coimbatore to Sub Court, Tiruchendur.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.06.2016 as per Hindu Rites and Customs. At the time of marriage, the parents of the petitioner offered 20 sovereigns of Gold jewels and gave Rs.50,000/-cash, besides other Household articles worth about Rs.1,00,000/-. After that, both were living together in the matrimonial home at Coimbatore. Thereafter, the respondent and his family members started demanding more dowry and thereafter, the respondent forced the petitioner to leave the matrimonial home on 06.07.2016. Thereafter, the respondent filed a petition for divorce in H.M.O.P.No.1244 of 2016 on the file of the Additional Family Court, Coimbatore.

3.The learned counsel for the petitioner would submit that 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 Additional Family Court, Coimbatore in H.M.O.P.No.1244 of 2016 and therefore, the same may be transferred to the file of Sub-Court, Tiruchendur.

4. Per contra, the learned counsel for the respondent submitted that the respondent is a Doctor in Dermatology and he has been doing service in the place, where he is residing. Therefore, it is difficult for him to travel all the way from



Coimbatore.

5. Heard the submissions made on either side and perused the materials available on record.

6. It is well settled law that whenever, a 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)**.

7. I am satisfied with the reasons stated in the affidavit filed in support of this petition and therefore, I am inclined to transfer the H.M.O.P.No.1244 of 2016 from the file of the Additional Family Court, Coimbatore to the file of Sub-Court, Kovilpatti, where the appearance of the petitioner as well as the respondent is not necessary except the hearing dates, when their presence is required and for that, there will be no grievance on both sides.

8. 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 Judge, Additional Family Court, Coimbatore, is directed to transmit the entire records in H.M.O.P.No.1244 of 2016 to the file of the Sub-Court, Kovilpatti, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Sub-Judge, Kovilpatti, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.1244 of 2016 as expeditiously as possible in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Additional Family Judge,
Coimbatore.

2.The Subordinate Judge,
Kovilpatti.

+1cc to Mr.S.KADARKARAI Advocate in SR. No.67458

PM

JS/SV/SAB.2/31.07.2017/2P-4C

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