



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.288 of 2017

and

C.M.P (MD) No.6316 of 2017

B.Bhavani

...Petitioner/Respondent

Vs.

D.Satheesh

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to transfer the H.M.O.P No.231 of 2016 from the file of the Principal Sub Court, Tiruchirapalli to the Family Court, Chennai.

For Petitioner : Mr.A.Senthilkumar

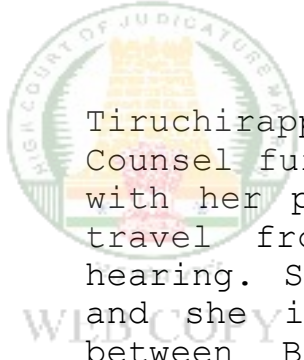
For Respondent : Mr.G.Rajaraman

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the H.M.O.P No.231 of 2016 from the file of the Principal Subordinate Court, Tiruchirapalli to the Family Court, Chennai.

2.The petitioner would aver among other things that the marriage between the petitioner and the respondent was solemnized on 22.11.2013 at Lalgudi Trichy District as per Hindu rites and Customs. The petitioner is working in South Indian Bank at Chennai and the respondent is working at Threom clinical Research, M.G.Road, Bangalore. After marriage the petitioner has got transfer to Bangalore and both were living in Bangalore and lead a life peacefully. In such circumstances, there was some misunderstanding between the petitioner and the respondent and the petitioner was sent out from the matrimonial home. Though the petitioner and the family members have taken steps to resolve the issue, because of the rude behaviour of the respondent as well as his parents, all the efforts went in vain. The efforts for reunion also ended in vain and now the petitioner has sought transfer from Bangalore to Chennai.

3. In these circumstances, the respondent has filed H.M.O.P. No.231 of 2016 before the Principal Subordinate Court,



Tiruchirappalli, seeking divorce on the ground of cruelty. The Counsel further submits that the petitioner is residing at Chennai with her parents and it is very difficult for the petitioner to travel from Bangalore to Tiruchirappalli for attending every hearing. She also applied for transfer from Bangalore to Chennai and she is alone in Bangalore without any help. The distance between Bangalore and Tiruchirappalli is longer and it is difficult for the petitioner to travel alone. The petitioner's parents are at Chennai. So it would be convenient for her if the case is transferred to Chennai. No prejudice will be caused to the respondent, if the case is transferred and hence, she seeks such transfer.

4. Considering the facts and circumstances of the case, the matter was posted for mediation. I have mediated the matter and found that there could not be any amicable settlement.

5. The learned Counsel for the respondent has no objection for transfer of the case.

6. Heard the learned Counsel for the petitioner as well as the learned Counsel for the respondent.

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)**. Considering the circumstances of the case and considering the submissions made by the respondent, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Principal Subordinate Court, Tiruchirappalli is directed to transmit the entire records in H.M.O.P.No.231 of 2016 to the file of the Family Court, Chennai within a period of two weeks from the date of receipt of copy of this order.

ii) the Judge, Family Court, Chennai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.231 of 2016 as expeditiously as possible.

No costs. Consequently, connected C.M.P.(MD) No.6316 of 2017 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To,

1. The Principal Subordinate Court,
Tiruchirappalli.

2. The Judge,
Family Court, Chennai.

+ 1 cc TO Mr.A.Senthilkumar , Advocate in SR No. 79992

ssl/vsg

AE/KP/SAR2/04.10.2017/3P/4C

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