

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 21.08.2017****CORAM****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****TR.CMP(MD)Nos. 295 of 2017 and 111 of 2017**
and C.M.P. (MD) Nos.6447 and 2587 of 2017**In TR.C.M.P(MD)No. 295 of 2017:**

Radha Maheswari ... Petitioner / Respondent

Vs.

K.R.Hari Narayanan ... Respondent/Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 24 of Civil Procedure Code, to withdraw and transfer the G.W.O.P.No.15 of 2017 from the file of Principal District Judge, Vellore to Family Court, Trichy.

For Petitioner	:Mr.T.Senthil Kumar
For Respondent	:Mr.T.Lenin Kumar

In TR.CMP(MD)No. 111 of 2017:

Radha Maheswari ... Petitioner / Respondent

Vs.

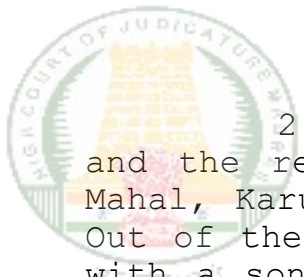
K.R.Hari Narayanan ... Respondent/Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.95 of 2016 from the file of Sub Court, Ranipet, Vellore District to Family Court, Trichy.

For Petitioner	:Mr.T.Senthil Kumar
For Respondent	:Mr.T.Lenin Kumar

COMMON JUDGMENT

The petitions have been filed seeking transfer of G.W.O.P.No.15 of 2017 from the file of Principal District Judge, Vellore to Family Court, Trichy and H.M.O.P.No.95 of 2016 from the file of Sub Court, Ranipet, Vellore District to Family Court, Trichy.



2. It is stated that the marriage between the petitioner and the respondent was solemnized on 30.08.2007 at Taj Thirumana Mahal, Karur Bye Pass Road, Trichy as per Hindu rites and customs. Out of the wedlock, the petitioner and the respondent were blessed with a son and daughter namely Sri Senan aged about 8 years and Srisha aged about 2 years respectively. The respondent slowly changed his attitude and started harassing the petitioner and demanded dowry and treated with cruelty. As the respondent and his family members had abused the petitioner in front of others, she was forced to come to her parent's house at Trichy along with children. Thereafter, various attempts have been made by the family members for reunion but all ended in vain, which forced the petitioner to file H.M.O.P.No.297 of 2016 for restitution of conjugal rights. Since the respondent has not come forward to take care of the petitioner and the children, she was forced to file a Maintenance Case in M.C.No.27 of 2017 before the Family Court, Trichy. The respondent filed a petition in H.M.O.P.No.95 of 2016 before the Sub Court at Ranipet against the petitioner for divorce. After filing of H.M.O.P.95 of 2016 on the file of the Sub Court, Ranipet, Vellore District, the respondent/husband has filed a petition to appoint him as a guardian in G.W.O.P.No.15 of 2017 on the file of the learned Principal District Judge, Vellore.

3. The learned counsel for the petitioner would submit that the petitioner has no means to attend each and every hearing to Vellore and the petitioner is depending on her parents and therefore, sought for transfer.

4. The learned counsel for the respondent would strongly oppose the applications for transfer.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

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 petitions and also in view of the above judgement, I am of the view that the petitions filed by the wife are liable to be allowed with the following directions:

i) The learned Sub Judge, Ranipet, Vellore District is directed to transmit the entire records in H.M.O.P.No.95 of 2016 to the file of the Family Court, Trichy, and the learned Principal District Judge, Vellore is directed to transmit the entire records in



G.W.O.P.No.15 of 2017 to the file of the Family Court, Trichy, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No. 95 of 2016 and G.W.O.P.No.15 of 2017 as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) Nos.2587 and 6447 of 2017 are closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

cm

To,

1.The Principal District Judge,
Vellore.

2.The Family Court,
Trichy.

3.The Sub Judge, Ranipet,
Vellore District.

+1 cc to MR.SENTHILKUMAR, Advocate SR.No.73958

+2 cc to MR.T.LENINKUMAR, Advocate SR.Nos.73320, 73321

TR.CMP(MD) Nos. 295 of 2017 and 111 of 2017

and

C.M.P. (MD) Nos.6447 and 2587 of 2017

21.08.2017

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