



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2017

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

Tr.C.M.P(MD).No.296 of 2017
and
C.M.P(MD).No.6462 of 2017

Indhurani

... Petitioner

Vs.

Suresh

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 Code of Civil Procedure, to withdraw the case in H.M.O.P.No.87 of 2017 pending on the file of the learned Subordinate Judge's Court, Mettur, Salem District and transfer the same to any of the competent Court at Dindigul District.

For Petitioner

:Mr.Radhisathish for Mr.N.Sathish Babu

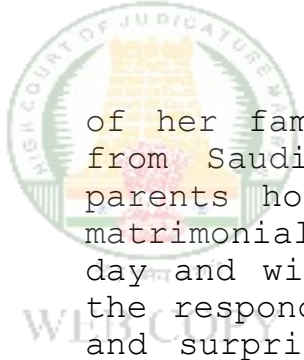
For Respondent

:No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw the case in H.M.O.P.No.87 of 2017 pending on the file of the learned Subordinate Judge's Court, Mettur, Salem District and transfer the same to any of the competent Court at Dindigul District.

2.The marriage between the petitioner and the respondent was solemnized on 22.02.2015 and was registered on 22.02.2015 as per the Tamil Nadu Hindu marriage (Registration) Rule 1967. After marriage, the petitioner and the respondent started their matrimonial life at Salem and the respondent used to pickup quarrels with the petitioner and used unparliamentary words against the petitioner. In these circumstances, both the petitioner and the respondent went to Saudi Arabia and lead their matrimonial life there. In the month of August 2016, the respondent came to India and both of them went to their matrimonial home at Mettur, Salem and lead their matrimonial life for about one month and after that, on 15.12.2016, both of them went to Saudi Arabia and they lived there for about 2 months and at that time, the petitioner got conceived. The respondent suspecting the character of the petitioner, had been torturing the petitioner. The petitioner further submitted that the respondent would chat with unknown person for hours together and since the same was questioned by the petitioner, the respondent sent her alone to India on 19.02.2017. The same was informed to her parents and elder members



of her family members. Thereafter, after the respondent returning from Saudi Arabia, on 01.06.2017, mediation took place in her parents house and thereafter, the petitioner had returned to her matrimonial home along with the respondent and stayed there for a day and without even considering that the petitioner was pregnant, the respondent dropped her at her parents house. Now, to the shock and surprise of the petitioner, the respondent had filed divorce petition in H.M.O.P.No.87 of 2017, which is pending before the Subordinate Court, Mettur, Salem District. The petitioner being pregnant and depending on her parents, she is not in a position to all the way travel from Dindigul to Mettur, Salem District, which is nearly 200 kms away and therefore, prayed for transfer of the same to the Sub-Court, Dindigul, where she is residing with her parents.

3. Notice was sent to the respondent and the same was returned as 'left India' and therefore, this Court directed the petitioner to serve notice to the father of the respondent and accordingly, notice was served to the father of the respondent and proof has also been filed to that effect. Heard the learned counsel for the petitioner and perused the materials available on record.

4. 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.

5. 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, Subordinate Court, Mettur, Salem District, is directed to transmit the entire records in H.M.O.P.No.87 of 2017 to the file of the Sub-Court, Dindigul, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Dindigul, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.87 of 2017 as expeditiously as possible in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To,

1.The Subordinate Judge,
Mettur, Salem District.

2.The Subordinate Judge, Dindigul.

+1cc to Mr.N.SATHISH BABU Advocate in SR. No.72429

RJ2

JS/SKN.RSK/SAR.1/24.08.2017/ 3P-4C

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