



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.304 of 2017
and C.M.P (MD) No.6517 of 2017

A.Seethalaxmi

... Petitioner/Respondent/Wife

Vs.

K.Uthamakannan

... Respondent/Petitioner/Husband

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.91 of 2017 on the file of the Sub Court, Tenkasi and transfer the same to the Principal Subordinate Court, Trichy.

For Petitioner : Mr.K.Neethimohan

For Respondent : Mr.D.Venkatesh

JUDGMENT

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.91 of 2017 from the file of the Sub Court, Tenkasi, to the Principal Subordinate Court, Trichy.

2. The petitioner would aver among other things that the marriage between the petitioner and the respondent was solemnized on 19.05.2016 at Tenkasi Arulmigu Ulagamman Samaitha Sri Kasiviswanathar Temple as per the Hindu Rites and Customs. After marriage, they have led their matrimonial life at Tenkasi in the house of the respondent as joint family. The respondent started to harass the petitioner mentally and physically at the instigation of his family members. They have demanded additional dowry. Due to the harassment of the respondent, the petitioner gave a complaint before the All Women Police Station, Tenkasi on 04.11.2016 for taking action against him and C.S.R.No.399/2016 has been assigned. At the time of enquiry, the respondent accepted the petitioner and gave a statement to the effect that he would live with her without causing any kind of harassment on her. Even after that, he has



not changed his way to lead the matrimonial life in peaceful manner.

3. The petitioner's parents have taken effective steps through well wishers as mediators, but all efforts ended in vain. Now the petitioner is residing in the parents house at Trichy and the respondent has filed a petition before the Sub Court, Theni seeking divorce against the petitioner and the petitioner also appeared through her counsel.

4. The petitioner would aver that all steps taken by the respondent is well planned by making allegations against the petitioner that she had left the matrimonial home.

5. The learned counsel for the petitioner would submit that it is difficult for her to travel to Tenkasi from Trichy, which is 500 kms distance and it is very difficult for her to meet out the expenses to travel a long distance and therefore, he prays for transfer.

6. The learned Counsel for the respondent has no objection for transfer of the case, provided, the case may be transferred to Family Court at Dindigul and he also prays for a direction to the trial Court for earlier disposal of the petition.

7. The learned counsel for the petitioner has conceded for transferring the case to the file of the Family Court, Dindigul.

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

9. 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)**. I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) Considering the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent, the Subordinate Judge, Tenkasi is directed to transmit the entire records in H.M.O.P.No.91 of 2017 to the file of the Family Court, Dindigul, within a period of two weeks from the date of receipt of copy of this order.

ii) considering the submission made by both learned Judge, Family Court, Dindigul, after obtaining the records on transfer, is directed to



dispose of H.M.O.P.No.91 of 2017 within a period of six months thereafter.

No costs. Consequently, connected C.M.P.(MD) No.6517 of 2017 is closed.

WEB COPY

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Tenkasi.
2. The Principal Subordinate Judge, Trichy.
3. The Judge, Family Court, Dindigul.

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 79955
+ 1 CC TO Mr.K.NEETHI MOHAN, ADVOCATE IN SR No. 79805

CM

TE/SV-MMS/SAR-II : 02/11/2017 : 3P/6C

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