



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.09.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

**TR.C.M.P (MD)No.305 of 2017
and
C.M.P (MD)No.6548 of 2017**

Kavitha Priyadharshini

...Petitioner/Respondent

Vs.

Madhusudhanan

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the I.A.No.277 of 2016 in unnumbered H.M.O.P.N.o. of 2016 on the file of Sub-Court, Devakottai, Sivagangai District and to transfer the same to Sub-Court, Thanjavur District.

For Petitioner :Mr.N.Balakrishnan

For Respondent :Mr..J.Anandkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw I.A.No.277 of 2016 in unnumbered H.M.O.P.No. of 2016 from the file of the Sub-Court, Devakottai, Sivagangai District and to transfer the same to the file of the Sub-Court, Thanjavur District.

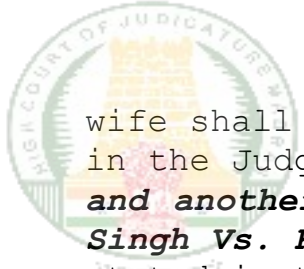
2.The petitioner would among other things aver that the respondent/husband filed I.A.No.277of 2016 seeking exemption under Section 14 of the Hindu Marriage Act, 1955, to file the divorce petition within one year from the date of marriage and the same is pending before the Sub-Court, Devakottai, Sivagangai District.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the resident of Thanjavur and she has to travel about 125 kms., to attend the Court proceedings at Sub-Court, Devakottai, Sivagangai District and therefore, the petitioner prayed for transfer of the above said case to the file of the Sub-court, Thanjavur.

4. The matter was mediated by me in the Chambers. But, no settlement was arrived at between the parties.

<https://hcservices.ecourts.gov.in/hcservices/>

5. 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.

6. 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 Sub-Judge, Devakottai, is directed to transmit the entire records in I.A.No.277 of 2016 in unnumbered H.M.O.P.No. Of 2016 to the file of the Sub-Court, Thanjavur, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Sub-Judge, Thanjavur, after obtaining the records on transfer, is directed to dispose of I.A.No.277 of 2016 in unnumbered H.M.O.P.No. Of 2016 as expeditiously as possible, more particularly within a period of two months, in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Sub-Judge,
Devakottai,
Sivagangai District.

2.The Sub-Judge,
Thanjavur District.

+1cc to Mr.J.ANANDKUMAR Advocate in SR. No. 77421

+1cc to Mr.N.BALAKRISHNAN Advocate in SR. No. 78090

PM

JS/JC/SAR.2/12.10.2017/2P-5C

TR.C.M.P(MD) No.305 of 2017

08.09.2017