



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.09.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANUTR.C.M.P(MD)No.323 of 2017 and
CMP(MD).No.6865 of 2017

T.Saraswathi@Salomiya

... Petitioner/Respondent

Vs.

S.Gandhi

... Respondent/Petitioner

This Petition has been filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.136 of 2016 on the file of the Sub-Court, Paramakudi and to transfer the same on the file of the Sub-Court, Tiruchendur.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondent : Mr.A.B.Prabhakar

ORDER

The petitioner herein is the wife of the respondent herein. She filed this petition to withdraw H.M.O.P.No.136 of 2016 pending on the file of the Sub-Court, Paramakudi and to transfer the same to the file of the Sub-Court, Tiruchendur.

2. The petitioner would aver among other things that the marriage between the petitioner and the respondent was solemnized on 13.6.2008 and out of their wedlock, a male child was born to them on 29.03.2010. Thereafter, due to difference of opinion, they got separated. Subsequently, the respondent filed H.M.O.P.No.49 of 2012 on the file of the Sub-Court, Paramakudi for restitution of conjugal rights. It is averred that the efforts to unite the couple by the elders of both family members went in vain. Thereafter, the respondent filed a divorce petition in H.M.O.P.No.136 of 2016 on the file of the Sub-Court, Paramakudi. In the afore-said circumstances, the petitioner has come forward with the present transfer civil miscellaneous petition seeking for the afore-stated relief.

3. The learned counsel appearing for the petitioner would submit that the petitioner finds it difficult to attend each hearing along with her son travelling about 120 kms from Tuticorin to Paramakudi, Ramanathapuram District. She also submits recently her mother was expired. Hence, she prays for appropriate orders.

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

4. The learned counsel for the respondent would submit that



he has no objection to withdraw H.M.O.P.No.136 of 2016 pending on the file of the Sub-Court, Paramakudi and to transfer the same to the file of the Sub-Court, Tiruchendur.

5. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

6. Considering the fact that the respondent has no objection to transfer the matter from the file of the Sub-Court, Paramakudi to the Sub-Court, Tiruchendur followed by an authoritative pronouncement of the judgment reported in **2008 (9) SCC 353, Arti Rani @ Pinki Devi and another Vs. Dharmendra Comber Gupta**, to the effect that the convenience of the wife must be given preference in the matter of transfer petition, the following order is passed:-

(i) The Sub-Court, Paramakudi is directed to transfer all the papers relating to H.M.O.P.No.136 of 2016 to the Sub-Court, Tiruchendur, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, the Sub-Judge, Tiruchendur is directed to dispose of the case as expeditiously as possible, preferably within a period of six months, thereafter.

No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

- (i) The Subordinate Judge, Paramakudi,
Ramanathapuram District.
- (ii) The Subordinate Judge, Tiruchendur,
Tuticorin District.

+ 1 CC TO Mr.S.M.MOHAN GANDHI, ADVOCATE IN SR No. 79802
+ 1 CC TO Mr.S.T.SASIDHARAN TAMILKANI, ADVOCATE IN SR No. 79783

SSM

TE/KK/SAR-I : 06/10/2017 : 2P/5C

TR.C.M.P(MD)No.323 of 2017 and
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