



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.09.2017

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THE HONOURABLE MRS.JUSTICE J. NISHA BANUTR.C.M.P(MD)No.331 of 2017 and
C.M.P. (MD)No.6988 of 2017

Pon Ma Geo

... Petitioner

Vs.

G.Sudhakar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the I.D.O.P.No.83 of 2017 pending before the Principal District Judge, Thoothukkudi and transfer the same to Principal District Judge at Nagarcoil.

For Petitioner : Mr.M.M.Manivel Pandian
For Respondent : Mr.V.Karuna**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw the I.D.O.P.No.83 of 2017 pending before the Principal District Judge, Thoothukkudi and transfer the same to Principal District Judge at Nagarcoil.

2.The brief facts of the case are as follows:

The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.12.2016 and thereafter, the petitioner came to know that the respondent incapable of sexual relationship, due to impotency and thereafter, the petitioner was subjected to cruelty demanding more dowry and she was thrown away from the matrimonial home and in order to escape from the criminal liability, the respondent has filed I.D.O.P.No.83 of 2017 on the file of the Principal District Judge, Thoothukudi and the same is pending.

3. The learned counsel for the petitioner would submit that the petitioner is now living in her parental home and in order to harass her only the respondent has preferred the present I.D.O.P., at Thoothukudi and the petitioner has to travel more than 150 Kms to reach Thoothukudi. He further submitted that earlier the father of the petitioner was kidnapped at the instance of the respondent and he was forcibly taken away and threatened with dire consequences and in this regard, various complaints had been sent to various authorities, but, so far no action has been taken on her complaint and therefore, the petitioner has come forward with the present



petition for transfer.

4. The learned counsel for the respondent submitted that the respondent has no objection for transfer of the case, if a direction is given for the speedy disposal of the case.

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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 the above facts and circumstances of the case, the submission of the respondent and in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed with the following directions:-

i) The learned Judge, the Principal District Judge, Thoothukkudi, is directed to transmit the entire records in I.D.O.P.No.83 of 2017 to the file of the Principal District Judge, Nagarcoil, within a period of two weeks from the date of receipt of copy of this order.

ii) the Principal District Judge, Nagarcoil, after obtaining the records on transfer, is directed to dispose of I.D.O.P.No.83 of 2017 as expeditiously as possible, preferably, within a period of six months, in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Thoothukkudi.
2. The Principal District Judge, Nagarcoil.

+ 1 CC TO Mr.M.M.MANIVEL PANDIAN, ADVOCATE IN SR No. 78388
+ 1 CC TO Mr.V.KARUNA, ADVOCATE IN SR No. 78389

PM/VSG

TE/SKN-RSK/SAR-I : 25/09/2017 : 2P/5C