



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.347 of 2017
and C.M.P (MD) No.7200 of 2017

G.Prabha ...Petitioner / Respondent

Vs.

J.Sathiskumar ... Respondent / Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, prayer to withdraw the H.M.O.P.No.494 of 2017 on the file of the Family Court, Madurai District and transfer the same to the Sub Judge, Uthamapalayam, Theni District.

For Petitioner : Mr.S.Moorthy
For Respondent : Mr.I.Sabeer Mohamed

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.494 of 2017 on the file of the Family Court, Madurai District and transfer the same to the Sub Judge, Uthamapalayam, Theni District.

2. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 14.02.2016 at Madurai. The petitioner was given with srithana articles and as the petitioner's parents was not able to arrange dowry on time, the respondent's parents had vengeance upon her and her family.

3. The petitioner would further aver that as she did not conceive even after some months of the marriage petitioner was insisted by the respondent for medical check up and the respondent and his mother ill-treated the petitioner and therefore, she was forced to live in her parents house.

3. Thereafter, the petitioner instituted H.M.O.P.No.85 of 2016 before the Sub Judge, Uthamapalayam, for seeking the relief of restitution of conjugal rights. Consequently, The respondent filed H.M.O.P.No.494 of 2017 before the Family Court Judge, Madurai, seeking divorce.

<https://hcservices.courts.gov.in/hcservices/>
4. The petitioner submits that the petitioner has to travel 90 kms distance to attend the Court at Madurai since the petitioner



is residing at Uthamapalayam. The petitioner would aver that the petitioner is in helpless situation. Hence, the petitioner has no way except to file this petition for transfer.

5. The learned Counsel for the respondent has no objection for transfer of the case, however he prays for a direction to the trial Court for earlier disposal of the petitions in joint trial.

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

7. 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) The Family Court, Madurai District is directed to transmit the entire records in H.M.O.P.No.494 of 2017 to the file of the Sub Judge, Uthamapalayam, Theni District within a period of two weeks from the date of receipt of copy of this order.

ii) Considering the submission of the learned counsel for the respondent, the learned Sub Judge, Uthamapalayam, Theni District, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.494 of 2017 along with H.M.O.P.No.85 of 2016 and within a period of six months thereafter.

No costs. Consequently, connected C.M.P.(MD) No.7200 of 2017 is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To,

1. The Family Court, Madurai District.

2. The Sub Judge, Uthamapalayam, Theni District.

+1cc to Mr.S.MOORTHY, Advocate, SR. 80230

+1cc to Mr.J.SABEER MOHAMED, Advocate, SR. 79952

TR. C.M.P (MD) .No.347 of 2017
and

C.M.P (MD) No.7200 of 2017
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