



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2017

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P(MD).No.363 of 2017
and C.M.P(MD)No.7502 of 2017

G.Saranya

... Petitioner/Respondent-wife

Vs.

K.Sakthisuthan

... Respondent/Petitioner-husband

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code, to withdraw the case on the file of the Sub Court, Gobichettipalayam in H.M.O.P.No.58 of 2017 and transfer the same to the Family Court, Tiruchirappalli.

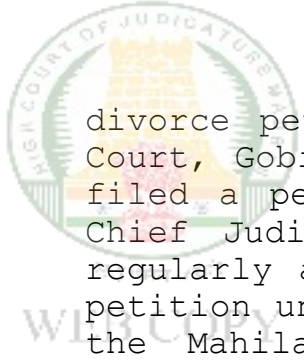
For Petitioner : Mr.S.Rajaprabhu
For Respondent : No appearance

JUDGMENT

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.58 of 2017 from the file of the Sub Court, Gobichettipalayam, to the file of the Family Court, Tiruchirappalli.

2. The petitioner would aver among other things that the marriage between the petitioner and the respondent was solemnized on 09.12.2012. At the time of marriage, the petitioner was given 80 sovereigns of golden jewels and 10 sovereigns gold jewels was given to the respondent and a cash of Rs.1,00,000/- was given along with household articles as dowry to the respondent and the marriage expenses were also borne by the petitioner's parents. The petitioner started her life with the respondent at Gobichettipalayam. The petitioner states that there was no much copulation between the petitioner and the respondent and they have not blessed with any child. They went to hospital. It was found that there is some problem in the husband. Suppressing the said defect, the respondent and his mother started harassing the petitioner and used abusive language against her.

3. It is the case of the petitioner that in order to hide his own defect, the respondent and his mother harassed the petitioner and she was subjected to cruelty. The respondent and his mother did not allow the petitioner to meet her parents and to go to her parents house. Finally, the petitioner was mentally depressed and she went to parents house and thereafter, the respondent filed a



divorce petition in H.M.O.P.No.58 of 2017 on the file of the Sub Court, Gobichettipalayam. The petitioner further submitted that she filed a petition for maintenance in M.C.No.31 of 2017 before the Chief Judicial Magistrate, Tiruchirappalli and the respondent is regularly appearing in the said case. The petitioner filed another petition under Domestic Violence Act in D.V.C.No.64 of 2017 before the Mahila Court, Tiruchirappalli and in that case also, the respondent is appearing. The petitioner is not in a position to go alone to Gobichettipalayam for attending the hearing in the divorce petition, which was filed by the respondent and the distance between Gobichettipalayam and Trichy is near 250 kms and therefore, prays for transfer.

4. Heard the learned counsel for the petitioner and perused the materials available on records. Though notice has been served on the respondent, he has not appeared either in person or through counsel.

5. 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 learned Subordinate Judge, Gobichettipalayam is directed to transmit the entire records in H.M.O.P.No.58 of 2017 to the file of the Family Court, Tiruchirappalli, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Tiruchirappalli, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.58 of 2017 as expeditiously as possible.

No costs. Consequently, connected C.M.P.(MD) No.7502 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Gobichettipalayam.
2. The Judge, Family Court, Tiruchirappalli.

+ 1 CC TO Mr.S.RAJAPRABU, ADVOCATE IN SR No. 79386

CM

TE/MR-KKR/SAR-IV : 09/10/2017 : 2P/4C