

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 13.09.2017****CORAM****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****TR. C.M.P (MD) .No.386 of 2017****and****C.M.P (MD) No.7909 of 2017**

Brindha Devi

...Petitioner / Respondent

Vs.

K.Ganeshkumar

... Respondent / Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to order to transfer the H.M.O.P.No.1118 of 2017 filed by the respondent before the Additional Family Court, Coimbatore to the learned Sub Court, Srivilliputhur.

For Petitioner

: Mr.P.Ganapathi Subramanian

For Respondent

: No appearance

J U D G M E N T

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.1118 of 2017 from the file of the Additional Family Court, Coimbatore to the learned Sub Court, Srivilliputhur.

2. The learned Counsel appearing for the petitioner would aver among other things that the marriage between the petitioner and the respondent was solemnized on 17.02.2016 at Rajapalayam, as per Hindu rites and customs. At the time of marriage, the petitioner's parents offered 25 sovereigns jewels and cash of Rs.2,00,000/- and also a sum of Rs.4,00,000/- was spent towards marriage expenses and gave household articles worth about Rs.50,000/-. When the petitioner was living in her matrimonial house, the respondent tortured and ill-treated her by demanding additional dowry and more gold jewels. The respondent forced the petitioner to return to native place. The petitioner's father was working under various employers for his income augmentation. She further submitted that her parents are unable to met out the dowry demand. The respondent and his family members with the help of the local panchayathars at Coimbatore forced her parents and get their signature in the blank papers and stamp papers.

3. It is further averred that in the month of February 2017, she preferred a complaint against her in-laws and the respondent to the Inspector of Police, All Women Police Station, Rajapalayam and in the enquiry, the respondent's family members assured that they will bring back the petitioner to the matrimonial



home and also assured not to interfere the peaceful life of the petitioner and the respondent. However, they failed to act upon their promise.

4. In this circumstances, the respondent filed a petition for divorce in H.M.O.P.No.1118 of 2017 on the file of the Additional Family Court, Coimbatore with false and vexatious allegations. The petitioner is residing at Srivilliputhur, Rajapalayam, Virudhunagar District along with her parents. The petitioner has not sufficient source of income to lead her life independently. Further there is no male support from her family to accompany her to attend the hearing. Further, she has to travel 300 Kms to attend the Court at Coimbatore and therefore, she has come forward with the present application.

5. Heard the learned Counsel for the petitioner. Though notice has been served on the respondent, he has not appeared through counsel or in person. This Court has perused the materials available on record.

6. 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 Judge, Additional Family Court, Coimbatore is directed to transmit the entire records in H.M.O.P.No.1118 of 2017 to the file of the Sub Court, Srivilliputhur, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Srivilliputhur, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.1118 of 2017 as expeditiously as possible.

No costs. Consequently, connected C.M.P.(MD) No.7909 of 2017 is closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To,

1. The Presiding Judge,
Additional Family Court, Coimbatore.
2. The Subordinate Judge, Srivilliputhur.

CM