



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :12.10.2017
CORAM

THE HONOURABLE MR.JUSTICE S.BASKARAN

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TR.C.M.P (MD) No.387 of 2017
and
C.M.P. (MD) No.7914 of 2017

Jayanthi

...Petitioner/Respondent

Vs.

K.Vijayakumar

...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.2217 of 2017 on the file of the Family Court, Chennai and transfer the same to the Sub Court, Devakottai.

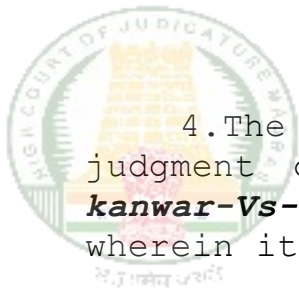
For Petitioner : Mr.R.M.Arun Swaminathan
For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.2217 of 2017, on the file of the Family Court, Chennai and transfer the same to the Sub Court, Devakottai.

2.The petitioner states that she got married the respondent on 09.12.2013 and after marriage she lived with her husband at Chennai. Due to some misunderstanding in the matrimonial home, she was forced to go away from her matrimonial house on 25.03.2017. Immediately, the petitioner lodged a complaint before the All Women Police Station, Kilpauk, on the same day and subsequently, she went to her matrimonial home with her parents on 02.07.2017, she requested him to permit her to enter into the home, but they refused to accept her.

3.Thereafter, she lodged another complaint in the aforesaid Police Station. While so, she received the summons from the Family Court, Chennai in H.M.O.P.No.2217 of 2017. The petitioner states that she is an unemployed and having no source of income. She is now living in Karaikudi, with her parents and it is far away. Hence, she seeks transfer of H.M.O.P. No.2217 of 2017 from the Family Court, Chennai to the Sub Court Devakottai.



4.The learned counsel for the petitioner also relied upon a judgment of the Hon'ble Supreme Court in the case of **Neelam kanwar-Vs-Devinder singh Kanwar**, reported in (2000)10 SCC 589, wherein it is held as follows:

WEB COPY "4... We are mindful of the fact that the petitioner is a lady and the first respondent is a male and therefore convenience-wise a transfer to the place where the lady is residing would be preferred by this Court, unless it is shown that there are special reasons not to do so. No such special reason is shown..."

he would also contend that convenience of the lady should be taken into consideration in such matters. Hence, this petitioner seeks to entertain this petition.

5.Inspite of notice being served, the respondent neither appeared in person nor through the counsel.

6.In such circumstances, considering the reasons stated above by the petitioner and also considering the fact that she is an unemployed and is presently living at Karaikudi and the ruling relied upon by the petitioner, wherein it is stated that the convenience of the lady should be taken into consideration in the issue in question, this Court is inclined to entertain this petition.

7.Accordingly, this Transfer Civil Miscellaneous Petition is allowed. Consequently, H.M.O.P. No.2217 of 2017 pending on the file of the Family Court, Chennai is ordered to be withdrawn and transferred to the file of the Sub Court, Devakottai. The Sub Court, Devakottai, is directed to dispose of the matter as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judge,
<https://hcservices.ecourts.gov.in/hcservices/>
Family Court,
Chennai.



2. The Sub Judge,
Devakottai.

+1 CC TO MR.R.M.Arun Swaminathan, ADVOCATE IN SR No.82514
das
MK/SV MMS/SAR-2/10.11.2017/3P/4C

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