



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .No.68 of 2017

and

C.M.P(MD)No.1703 of 2017

S.Kaleeswari

...Petitioner/Respondent

Vs.

S.Saravana Kumar

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.97 of 2017, on the file of the Family Court, Madurai and transfer the same to the Family Court, Virudhunagar District at Srivilliputtur to try along with the case in M.C.No.03 of 2017.

For Petitioner : Mr.G.Marimuthu

For Respondent : No Appearance

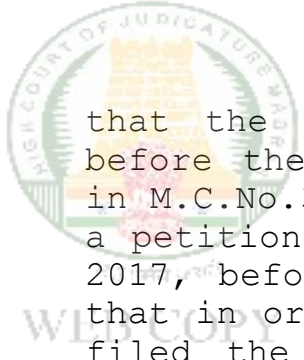
ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.97 of 2017, on the file of the Family Court, Madurai to the file of the Family Court, Virudhunagar District at Srivilliputtur.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 08.06.2014 at Vanniyampatti Village, Srivilliputtur Taluk, Virudhunagar District as per Hindu Rites and Customs. At the time of marriage, the petitioner's parent presented 5 1/2 Sovereigns of gold to her and Rs.70,000/- cash and household articles worth about Rs.50,000/-. After the marriage, the petitioner was residing with the respondent in a joint family at Madurai. Thereafter, due to some difference of opinion, the petitioner was not accepted in the family of the respondent. On 07.07.2016, the respondent sent a legal notice stating false allegations and for that legal notice, the petitioner also sent a reply on 19.09.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Counsel for the petitioner would further submit



that the petitioner has also filed a petition for maintenance before the Family Court, Virudhunagar District at Srivilliputtur in M.C.No.3 of 2017. As a counter blast, the respondent has filed a petition for restitution of conjugal rights in H.M.O.P.No.97 of 2017, before the Family Court, Madurai. He would further submit that in order to avoid payment of maintenance, the respondent has filed the present H.M.O.P. The petitioner would also further submit that her mother is an aged old lady and she has nobody to go along with her to attend the case. Therefore, the petitioner prays for transfer of the petition filed by the respondent from the file of the Family Court, Madurai to the file of the Family Court, Virudhunagar District at Srivilliputtur.

4. Though notice was served to the respondent, there is no appearance on behalf of the respondent either in person or through his Counsel.

5. Heard the learned Counsel for the petitioner and 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:

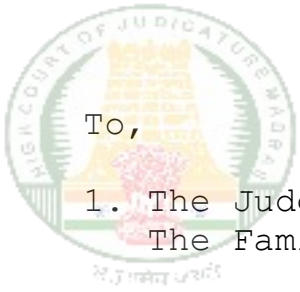
i) The learned Judge, Family Court, Madurai is directed to transmit the entire records in H.M.O.P.No.97 of 2017 to the file of the Family Court, Srivilliputtur, Virudhunagar within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Srivilliputtur, Virudhunagar District after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.97 of 2017 as early as possible.

No costs. Consequently, connected C.M.P.(MD) No.1703 of 2017 is closed.

Sd/-
Assistant Registrar(Records)

/True copy/



To,

1. The Judge,
The Family Court, Madurai.

2. The Judge,
The Family Court,
Srivilliputtur,
Virudhunagar District.

+1 cc to M/S.G.M.Law Officer , Advocate in SR.No. 75944

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AE/SV MMS/SAR2/13.09.2017/3P/4C

TR C.M.P (MD) .No.68 of 2017
01.09.2017