



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.73 of 2017

and

C.M.P(MD)No.1839 of 2017

P.Karpagam

...Petitioner/Respondent

Vs.

N.Pandiyan

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the proceedings in H.M.O.P. No.10 of 2017 now pending on the file of the Subordinate Judge, Hosur and transfer the same to the file of the Family Judge, or Subordinate Judge, Madurai.

For Petitioner : Mr.R.Sevuga Raja

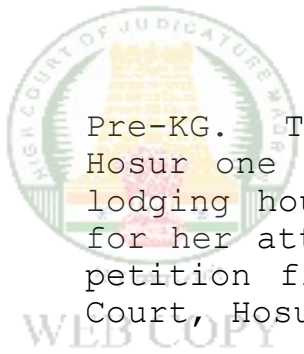
For Respondent : Mr.M.S.Jeyakarthick

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.10 of 2017, from the file of the Subordinate Court, Hosur to the file of the Family Court, or Subordinate Court Madurai.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 14.02.2013 at Sri Nilavalamudaiya Ayyanar Temple situated at Karur Village, Aavudayar Taluk, Pudukkottai District as per Hindu Rites and Customs. Due to demands of more dowry and the cruelty caused to the petitioner, she was forced to leave the matrimonial house on 24.06.2016 where she lived together with the respondent lastly at Karaikudi. Now the petitioner is residing with her parents. Out of the wedlock, the petitioner got one female child viz., Shanaya aged about four years.

3. The learned Counsel for the petitioner further submitted that now the respondent/husband has filed a petition for restitution of conjugal rights which is pending in H.M.O.P.No.10 of 2017, on the file of the Subordinate Court, Hosur, Krishnagiri District. The petitioner does not have much finance to meet out the travel expenses for going from Madurai to Hosur for attending each and every hearing and she is depending upon her parents. It is also very difficult for the petitioner to go along with her female child who is studying



Pre-KG. To attend the case at Hosur, the petitioner has to reach Hosur one day earlier to the date of hearing and has to stay in a lodging house, for which she has to spend more amount for her and for her attendant. Hence, the petitioner prays for transfer of the petition filed by the respondent from the file of the Subordinate Court, Hosur to the file of the Family Court, Madurai.

4. The learned Counsel for the respondent would submit that the respondent has filed the petition for restitution of conjugal rights and the petitioner has appeared to Court through her Counsel.

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

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 Subordinate Judge, Hosur, is directed to transmit the entire records in H.M.O.P.No.10 of 2017 to the file of the Family Court, Madurai within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Madurai after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.10 of 2017 as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.1839 of 2017 is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To,

1. The Subordinate Judge, Hosur.

2. The Judge,
Family Court, Madurai.

+1cc to Mr.R.SEVUGARAJA Advocate in SR. No.69147

SSL/CP

JS/GT/SAR.1/11.08.2017/2P-4C