



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.07.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

TR.C.M.P (MD) No.461 of 2016

and

C.M.P (MD) No.9383 of 2016

S.Sindhu

...Petitioner

Vs.

D.Kumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.66 of 2016 on the file of the Subordinate Court, Sivagangai to the Family Court, Madurai.

For Petitioner

: Mr.R.Srinivasan

For Respondent

: Mr.A.V.Rajasekaran

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.66 of 2016 from the file of the subordinate Court, Sivagangai to the file of the Family Court, Madurai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.06.2015 as per Hindu Rites and Customs. At the time of marriage, the parents of the petitioner offered 40 sovereigns of Gold jewels and gave Rs.2,00,000/- worth household articles, as Sridhana. At the time marriage, the respondent was working at Singapore. After that, the respondent filed a petition for divorce in H.M.O.P.No.66 of 2016 on the file of the learned Subordinate Judge, Sivagangai, making false allegations to get a second marriage with another girl in Singapore.

3. The learned counsel for the petitioner submitted that the petitioner is living in Madurai under the care and custody of her parents, who are not in a sound financial position and therefore, the petitioner is not in a position to go and appear on all hearings dates before the Sub-Court, Sivagangai. Hence, the petitioner has come forward with this petition seeking transfer of



4. Heard the submissions made on either side and perused the materials available on record.

5. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in 2008(9) SCC 353 (*Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta*) and AIR 2002 SC 396 (*Sumita Singh Vs. Kumar Sanjay and another*). I am satisfied with the reasons stated in the affidavit filed in support of this petition and the learned counsel for the respondent has also got no objection for transferring the above case to the file of the Family Court, Madurai.

6. Taking into consideration the facts and circumstances of the case and in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed with the following directions:-

i) The learned Subordinate Judge, Sivagangai, is directed to transmit the entire records in H.M.O.P.No.66 of 2016 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.66 of 2016 as expeditiously as possible in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge,
Sivagangai

2.The Family Court Judge, Madurai.

+One cc to Mr.R.Srinivasan, Advocate, SR.No.68135

PM

RL/4C/2P/JC/SAR1/3/8/2017

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