



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.101 of 2018

and

C.M.P (MD) No.2234 of 2018

Sangeetha

... Petitioner/Respondent

Vs.

S.Praveen Kumar

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.17 of 2018 on the file of the Subordinate Court, Devakottai and transfer the same to the file of the Family Court, Tiruchirappalli.

For petitioner : Mr.V.Illanchezian

For respondent : Mr.S.Baskar

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.17 of 2018 from the file of the Subordinate Court, Devakottai to the file of the Family Court, Trichy.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 02.02.2015. After marriage, both of them lived together for some time. Later, due to misunderstanding, the respondent herein / husband of the petitioner has filed H.M.O.P.No.17 of 2018 for divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Karaikudi Town has filed the above petition at the Subordinate Court, Devakottai, whereas the petitioner is residing at Trichy, along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel about 150 kms from Trichy to Devakottai for attending each and every hearing of the case.

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

3. The learned counsel for the petitioner reiterated the



averments made in the petition.

4. The learned Counsel for the respondent would submit that the respondent has no objection for transferring the case.

5. Heard the learned Counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. I am satisfied with the reasons stated in the affidavit filed in support of this petition. The Hon'ble Supreme Court in the judgment reported in **2008 (9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, has held that convenience of woman is to be taken into consideration first at the time of considering transfer application. In view of the above and also considering the submission of the learned counsel for the respondent, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Subordinate Judge, Devakottai is directed to transmit the entire records in H.M.O.P.No.17 of 2018 to the file of the Family Court, Tiruchirapalli within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Family Court Judge, Trichy, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.17 of 2018 on merits and in accordance with law, as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To,

1.The Subordinate Judge, Devakottai.

2.The Family Court Judge, Trichy.

+ 1 cc TO Mr.V.Illanchezian , Advocate in SR No. 57914

+ 1 cc TO Mr.B.Baskar , Advocate in SR No. 58075

gcg

AE/RSK/SAR1/02.05.2018/2P/5C