



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) No.114 of 2018
and
C.M.P. (MD) No.2505 of 2018

J.Geethapriya

... Petitioner

Vs.

S.Premkumar

... Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, prayed that this Court may be pleased to withdraw the H.M.O.P.No.142 of 2018 on the file of the learned Family Court, Karur and transfer the same to anyone of the competent Court at Coimbatore.

For Petitioner : Mr.A.Chandrakumar
For Respondent : No Appearance

O R D E R

The petitioner has come forward with this petition to withdraw and transfer the H.M.O.P.No.142 of 2018 from the file of the Family Court, Karur to anyone of the competent Court at Coimbatore.

2.The learned counsel for the petitioner/wife submitted that the marriage between the petitioner/wife and the respondent/husband was solemnized on 02.03.2017. While so, the respondent/husband has filed H.M.O.P.No.244 of 2017 seeking divorce before the Sub Court, Karur and the same was transferred to the Family Court, Karur and renumbered as H.M.O.P.No.142 of 2017. Since the petitioner is working in a private school at Coimbatore and having residence at Coimbatore, she is unable to travel from Coimbatore to Karur for every hearing. Hence, the petitioner has come forward with this petition for transfer.

3.No representation for the respondent, though his name was printed in the cause list.

4.It is well settled law that whenever, the transfer petition 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*). In view of the above and also the submission made by learned counsel appearing for the petitioner, I am inclined to allow this Transfer Civil Miscellaneous Petition.



Accordingly, this Petition is allowed with the following directions:-

(a) The learned Judge, Family Court, Karur, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.142 of 2018 to the Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Judge, Family Court, Coimbatore, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of four months.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar(CS-III)

To

1.The Judge, Family Court, Karur.

2.The Judge, Family Court, Coimbatore.

+1cc to Mr.A.Chandrakumar, Advocate, SR.No. 74503

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