



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.03.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD).No.116 of 2018
and
C.M.P (MD)No.2520 of 2018

Muthulakshmi @ Chithra ... Petitioner/Respondent

Vs.

George Newman Joseph ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the case in I.D.O.P.No.13 of 2018 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Tirunelveli.

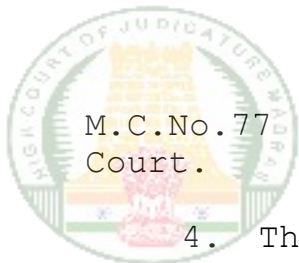
For petitioner :Mr.R.J.Karthick
For respondent :Mr.A.V.Arun

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of I.D.O.P.No.13 of 2018, from the file of the Family Court, Madurai to the file of the Family Court, Tirunelveli.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 22.11.2001. After marriage, both of them lived happily for some time and they blessed with a female child and the child is now aged about 15 years. Later, suspecting the fidelity of the petitioner, the respondent ill-treated her and sent her out of matrimonial home. Therefore, she has filed M.C.No.77 of 2017 on the file of the Family Court, Tirunelveli. As a counterblast to the same, the respondent herein / husband of the petitioner has filed I.D.O.P.No.13 of 2018 seeking divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Madurai has filed the above divorce petition at the Family Court, Madurai, whereas the petitioner is residing at Tirunelveli, in her friend's house and as she has no means and she is depending upon her friend, it is very difficult for her to travel about 170 kms from Tirunelveli to Madurai, for attending each and every hearing of the case.

3. The learned counsel for the petitioner reiterated the averments made in the petition. He would add that the transferee Court may be directed to decide I.D.O.P.No.13 of 2018 along with



M.C.No.77 of 2017 which is pending on the file of the very same Court.

4. The learned Counsel for the respondent would vehemently oppose to the grant of relief. However, he would submit that in the event of allowing this petition, this Court may direct the transferee Court to dispose of the case within a stipulated time.

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, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Family Court Judge, Madurai is directed to transmit the entire records in I.D.O.P.No.13 of 2018 to the file of the Family Court, Tirunelveli within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Family Court Judge, Tirunelveli, after obtaining the records on transfer, is directed to tag I.D.O.P.No.13 of 2018 along with M.C.No.77 of 2017 and dispose of the same on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Family Court Judge, Madurai.

2.The Family Court Judge, Tirunelveli.

+1CC TO M/S.R.J.KARTHICK, ADVOCATE, SR NO.58335

+1CC TO M/S.A.V.ARUN, ADVOCATE, SR NO.59376

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