



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR.C.M.P(MD).No.130 of 2018
and
C.M.P(MD)No. 2869 of 2018

Jeyabrindha

... Petitioner/Respondent

Vs.

Sathish Rajakumar

... Respondent/ Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.34 of 2018 on the file of the Family Court at Dindigul, Dindigul District and transfer the same to the file of the Family Court at Sivagangai, Sivagangai District or any other court.

For petitioner : Mr.R.Udhayakumar
For respondent : Mr.A.Hariharan

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.34 of 2018 from the file of the Family Court, Family Court at Dindigul, Dindigul District and transfer the same to the file of the Family Court at Sivagangai, Sivagangai District.

2. The averments made by the petitioner is that the marriage between the petitioner and the respondent was solemnized on 29.08.2014 as per Hindu rites and customs. After the marriage, they lived together as joined family at Dindigul and they are blessed with one female child. During the marital life, the petitioner was put to harassment by the respondent and his family members by demanding additional dowry. Subsequently, the respondent herein / husband of the petitioner has filed H.M.O.P.No.34 of 2018 before the Family Court, Dindigul, seeking divorce with false allegations. The grievance of the petitioner is that the respondent being a resident of Dindigul has filed the above petition at the Family Court, Dindigul, whereas the petitioner is residing at Sivagangai along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel from Sivagangai to Dindigul along with her 2 ½ years old child for attending each and every



hearing of the case.

3. The learned counsel for the petitioner reiterated the averments made in the petition.

4. Heard the learned Counsel on either side and perused the materials available on record. Both the counsels agreed that by way of *via media*, they agreed to transfer the case in the middle of the two district.

5. The above said submission made by either side is recorded. Considering the above submission, I am of the opinion that the case may be transferred to the Family Court at Sivagangai. Hence, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Family Court, Dindigul is directed to transmit the entire records in H.M.O.P.No.34 of 2018 to the file of the Family Court, Sivagangai within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Sivagangai after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.34 of 2018 on merits and in accordance with law, as expeditiously as possible, preferably, within a period of four months thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Dindigul.
2. The Judge, Family Court, Sivagangai.

+ 1 CC TO Mr.R.UDHAYAKUMAR, ADVOCATE IN SR No. 60847
+ 1 CC TO Mr.A.HARIHARAN, ADVOCATE IN SR No. 60545

PJL

TE/JC/SAR-2 : 27/04/2018 : 2P/5C

TR. C.M.P (MD) .No.130 of 2018
10.04.2018