



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD).No.131 of 2018 and
C.M.P. (MD).No.2870 of 2018

V. Geetha

... Petitioner

Vs.

1. Udhayakumar

2. Sasikumar

... Respondents

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw and transfer HMOP.No.21 of 2018 from the file of the Sub Court, Sankarankoil to the file of the Sub Court, Srivilliputur.

For Petitioner	:	Mr.M. Thirunavukkarasu
For Respondent No.1	:	Mr.R.J. Karthick
For Respondent No.2	:	No appearance

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer HMOP.No.21 of 2018 from the file of the Sub Court, Sankarankoil to the file of the Sub Court, Srivilliputur.

2. The petitioner herein is the wife and the 1st respondent herein is the husband. The marriage between the petitioner and the 1st respondent was solemnized on 01.02.2008, as per Hindu Rites and Customs. A male child was born in the wedlock on 20.08.2013. Due to mis-understanding between the petitioner and the first respondent, the petitioner was sent out from matrimonial home. Thereafter, the first respondent filed HMOP.No.21 of 2018, before the Sub Court, Sankarankoil, for divorce.

3. Now, the petitioner is residing at Srivilliputur, with her aged parents. The distance between Srivilliputur and Sankarankoil is approximately 50 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.21 of 2018, pending on the file of Sub Court, Sankarankoil, along with minor child. Further, there is no one to accompany with her to travel such a long distance to attend HMOP.No.21 of 2018, before the Sub Court, Sankarankoil. In the



above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer HMOP.No.21 of 2018, on the file of Sub Court, Sankarankoil, to Sub Court, Srivilliputur.

4. The learned counsel appearing for the respondent submitted that the respondent has no objection to transfer the case in HMOP.No.21 of 2018, on the file of Sub Court, Sankarankoil, to Sub Court, Srivilliputur, but, he prays for early disposal of the HMOP.

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

(a) The learned Subordinate Judge, Sankarankoil, is directed to transmit the entire records pertaining to the case in HMOP No.21 of 2018 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Subordinate Judge, Srivilliputur, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of three months.

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

Sd/

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Sankarankoil.

2. The Subordinate Judge, Srivilliputur.

+1cc to Mr.R.J.KARTHICK, Advocate, SR.No.63848

+1cc to Mr.M.THIRUNAVUKKARASU, Advocate, SR.No.63792

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