



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .No.17 of 2018
and
C.M.P(MD)No.435 of 2018

J.Selva Jeba Packiam

... Petitioner/Respondent

Vs.

P.Venkateshwaran @ David

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the D.O.P.No.55 of 2017 on the file of the District Court, Tuticorin and transfer the same to the file of the District Court, Tirunelveli.

For Petitioner : Mr.K.Abiya

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of D.O.P.No.55 of 2017, from the file of the District Court, Tuticorin, to the District Court, Tirunelveli.

2. The learned Counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 26.06.2015. He would further submit that after marriage, both of them lived happily for some time. Thereafter, the petitioner underwent harassment and cruelty under the hands of the respondent and the respondent's family and the petitioner was forcibly sent out from the matrimonial home. Thereafter, the respondent filed a petition in D.O.P.No.55 of 2017, on the file of the District Court, Tuticorin seeking divorce. Though she had appeared and filed her counter and the case was adjourned for enquiry on 25.01.2018. The petitioner contended that she is not able to go to District Court, Tuticorin, often, without help of family members and it causes serious hardship to the petitioner to



attend the case and hence, she prays for transfer of the same.

3. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice was sent to the respondent and the same was returned with an endorsement "as unclaimed".

4. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer application as held by the Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**. I am inclined to allow this Transfer Civil Miscellaneous Petition.

5. Accordingly, this petition is allowed with the following directions:

- The learned Principal District Judge, Tuticorin is directed to transmit the entire records in D.O.P.No.55 of 2017 to the file of the District Judge, Tirunelveli, within a period of two weeks from the date of receipt of copy of this order.
- The learned Principal District Judge, Tirunelveli, after obtaining the records on transfer, is directed to dispose of the same, in accordance with law, as early as possible. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Tuticorin.

2. The Principal District Judge,
Tirunelveli.

+ 1 cc TO Mr.K.Abiya , Advocate in SR No. 48508

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AE/KK/SAR2/28.02.2018/2P/4C

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