



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2018

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.18 of 2018
and
C.M.P(MD)No.443 of 2018

Deepika ... Petitioner/Respondent

Vs.

Rajesh Kannan ... 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.672 of 2017 on the file of the Subordinate Court, Thirumangalam, Madurai District and transfer the same to the Subordinate Court, Aruppukottai.

For Petitioner : Mr.S.Poornachandran
For Respondent : S.Muthumalai Raja

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.672 of 2017, from the file of the Subordinate Court, Thirumangalam, Madurai District to the Subordinate Court, Aruppukottai.

2. The learned Counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 08.09.2016. He would further submit that the petitioner was put to harassment and thrown out from the matrimonial home and therefore, the petitioner is living with her aged parents in her parental home. Now, the respondent filed a petition for divorce before the Subordinate Court, Thirumangalam and notice was issued to her on 20.10.2017 and thereafter, she appeared before the Court on 13.11.2017. The petitioner's father is working as a coolie and hence, she is not able to meet out the travelling expenses from her village to Thirumangalam which is nearly 50 kilometers. He would further submit that the petitioner is 19 years old and hence, it is very difficult for the petitioner to travel about 50 kms from Mallankinaru Village to Thirumangalam for attending each and every hearing for the case and hence, she prays for transfer of the same.



3. Heard the learned Counsel on either side and perused the materials available on record.

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 applications 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 Subordinate Judge, Thirumangalam is directed to transmit the entire records in H.M.O.P.No.672 of 2017 to the file of the Subordinate Court, Aruppukottai within a period of two weeks from the date of receipt of copy of this order.
- The learned Subordinate Judge, Aruppukottai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.672 of 2017 within a period of six months from the date of receipt of a copy of this order, in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge,
Thirumangalam.

2.The Subordinate Judge,
Aruppukottai.

+One cc to Mr.S.Poornachandran, Advocate, SR.No.47184

rm

RL/4C/2P/JC/SAR1/21/2/2018

TR. C.M.P(MD) .No.18 of 2018