



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.19 of 2018
and
C.M.P(MD)No.450 of 2018

M.Nandhini

... Petitioner

Vs.

K.E.Karthigai Selvan @ Saravanan

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the case in H.M.O.P.No.4556 of 2017 on the file of the Principal Family Court, Chennai and transfer to the file of the Family Court, Madurai.

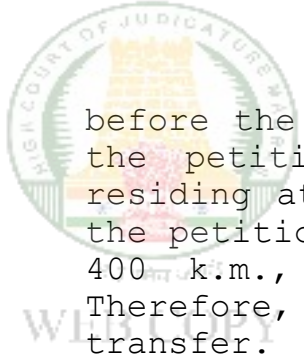
For Petitioner : Mr.S..P.Prabakaran
For Respondent : Mr.Chamundi Bose

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.4556 of 2017, from the file of the Principal Family Court, Chennai to the Family Court, Madurai.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 03.09.2017, at Madurai Meenakshiamman Kovil, as per Hindu rites and customs. The said marriage is a second marriage for both the petitioner and respondent. The respondent had a male child, by name, S.Agilan, out of the wedlock of the first marriage. After the second marriage, both the petitioner and respondent lived happily for quite some day only. Thereafter, according to the petitioner, the respondent did not allow her to consummate the marriage, instead, started harassing and demanding dowry from the petitioner. Aggrieved by the actions of the respondent, she had left the respondent's house and is presently residing with her parents at Madurai.

3. The learned Counsel for the petitioner would submit that in the mean time, the respondent has filed a petition in H.M.O.P.No.4556 of 2017 to declare their marriage as null and void,



before the Principal Family Court, Chennai. The learned Counsel for the petitioner would further submit that as the petitioner is residing at her parental home at Madurai, it is very difficult for the petitioner to travel from Madurai to Chennai, which is more than 400 k.m., for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

4. The learned Counsel for the respondent, on the other hand, stoutly refuted the allegations levelled against him, but, he would submit that the respondent has no objection for transferring the case.

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. 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)**. Therefore, I am inclined to allow the present petition.

7. Accordingly, this petition is allowed and the learned Judge, Principal Family Court, Chennai is directed to transmit the entire records in H.M.O.P.No.4556 of 2017 to the file of the Family Court, Madurai within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Principal Family Court, Chennai.

+ 1 CC TO Mr.CHAMUNDI BOSE, ADVOCATE IN SR No. 52174
+ 1 CC TO Mr.S.P.PRABAKARAN, ADVOCATE IN SR No. 52408

GK

TE/SV-MMS/SAR-3 : 08/03/2018 : 2P/5C