



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.03.2018
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.36 of 2018
and
C.M.P (MD) No.852 of 2018

Geetharani

... Petitioner/Respondent

Vs.

S.Karthikeyan

... Respondent/Petitioner

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.1257 of 2017 on the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Family Court, Dindigul.

For petitioner :Mr.S.Anand Chandrasekar
For respondent :Mr.K.K.Samy

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.1257 of 2017 from the file of the Principal Family Court, Coimbatore to the file of the Family Court, Dindigul.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 11.03.2016. After marriage, both of them lived happily for some time. Later, due to cruelty and illegal acts of the respondent and his family members, the petitioner has filed D.V.O.P.No.16 of 2017 for maintenance, protection and accommodation. The Court below has passed an order dated 17.07.2017 directing the respondent to pay a sum of Rs.5,000/- p.m. for maintenance. As a counterblast to the said proceedings, the respondent herein / husband of the petitioner has filed H.M.O.P.No.1257 of 2017 for divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Coimbatore has filed the above petition at the Principal Family Court, Coimbatore, whereas the petitioner is residing at Dindigul, along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel about 170 kms from Dindigul to Coimbatore for attending each and every hearing of the case.

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

4. The learned Counsel for the respondent strenuously objected to the grant of relief stating that it would be very difficult for



the respondent to attend Court at Dindigul as there is also a life threat to him.

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. The Hon'ble Supreme Court in the judgment reported in 2008 (9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta), has held that convenience of woman is to be taken into consideration first at the time of considering transfer applications. Though it is contended by the learned counsel for the respondent that there is a life threat to him, he has not produced any material in support of the same. However, considering the submission of the respondent, this Court is inclined to direct the Court below to dispose of the same within a stipulated period. In view of the above, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Principal Family Court Judge, Coimbatore is directed to transmit the entire records in H.M.O.P.No.1257 of 2017 to the file of the Family Court, Dindigul within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Family Court Judge, Dindigul, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.1257 of 2017 on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1.The Principal Family Court Judge, Coimbatore.

2.The Family Court Judge, Dindigul.

+1CC TO M/S.SARAVABHAUMAN ASSOCAITES, ADVOCATE, SR NO.56391

+1CC TO M/S.K.K.SAMY, ADVOCATE, SR NO.56430

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