



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P (MD) .No.37 of 2018

and

C.M.P (MD) No.890 of 2018

Lakshmi Bharathi

... Petitioner/Respondent

Vs.

M.Chellaiah @ Ramesh

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the M.O.P.No.166 of 2017 on the file of the Subordinate Court, Hosur and transfer the same to the file of the Subordinate Court, Tenkasi and to dispose of the same within a stipulated period.

For petitioner : Mr.K.P.Narayanakumar

For respondent : Mr.P.Samuel Gunasingh

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of M.O.P.No.166 of 2017 from the file of the Subordinate Court, Hosur to the file of the Subordinate Court, Tenkasi.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 11.04.2016. After marriage, both of them lived happily for some time. But, due to misunderstanding, the petitioner left the matrimonial home and stayed in her parental home at Tenkasi. While so, the respondent herein / husband of the petitioner has filed M.O.P.No.166 of 2017 for dissolution of marriage with the false allegations. The grievance of the petitioner is that though the respondent is also a resident of Tirunelveli, he has filed the M.O.P. on the file of the Subordinate Court, Hosur, where he is now residing for his job. As the petitioner is residing at Tenkasi and she is now depending on her widowed mother, it is very difficult for her to travel about 650 kms 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 stoutly objected to the grant of relief.



5. Heard the learned Counsel for both sides 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. Hence, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Subordinate Judge, Hosur is directed to transmit the entire records in M.O.P.No.166 of 2017 to the file of the Subordinate Court, Tenkasi, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Subordinate Judge, Tenkasi, after obtaining the records on transfer, is directed to dispose of M.O.P.No.166 of 2017 on merits and in accordance with law, as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To,

1.The Subordinate Judge, Hosur.

2.The Subordinate Judge, Tenkasi.

+1cc to Mr.P.Samuel Gunasingh, Advocate Sr.No.53192

+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.53090

GCG

VB/KKR/SAR1/27.03.2018/2P/5C

TR. C.M.P (MD) .No.37 of 2018
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