



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.42 of 2018

and

C.M.P(MD)No.1019 of 2018

S.Sundhari

... Petitioner

Vs.

P.Silambarasan

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.248 of 2017 on the file of the Principal Subordinate Court, Mayiladuthurai and transfer the same to the file of the Subordinate Court, Devakottai in Sivagangai District.

For petitioner : Mr.M.S.Jeyakarthik

For respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.248 of 2017 from the file of the Principal Subordinate Court, Mayiladuthurai to the file of the Subordinate Court, Devakottai in Sivagangai District.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 22.04.2015 and their marriage was a love marriage. After the marriage, they lived together at Karaikudi. During the marital life, the petitioner was put to harassment by the respondent and his family members. The respondent often quarreled with her by demanding more dowry. Subsequently, the petitioner gave complaint before Algappapuram Police Station and the same is pending under investigation. While so, the respondent herein / husband of the petitioner has filed H.M.O.P.No.248 of 2017 seeking divorce with false allegations. The grievance of the petitioner is that the respondent, being a resident of Thiru Mayiladi, has filed the above divorce petition at Subordinate Court, Mayiladuthurai, whereas the petitioner is residing at Karaikudi and hence, it is



very difficult for her to travel about 200 kms from Karaikudi to Mayiladuthurai for attending each and every hearing of the case.

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

4. Though notice has been served to the respondent and his name is also printed in the cause list, he did not appear either in person or through any counsel.

5. Heard the learned Counsel for the petitioner 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 Principal Subordinate Judge, Mayiladuthurai, is directed to transmit the entire records in H.M.O.P.No.248 of 2017 to the file of the Subordinate Court, Devakottai, Sivagangai District, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Subordinate Judge, Devakottai, Sivagangai District, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.248 of 2017 on merits and in accordance with law, as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl side)

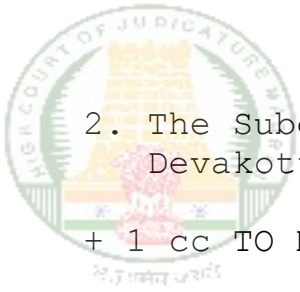
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Sub Assistant Registrar

To

1. The Principal Subordinate Judge,

<https://hcservices.ecourts.gov.in/hcservices/>
Mayiladuthurai,



2. The Subordinate Judge,
Devakottai, Sivagangai District.

+ 1 cc TO Mr.M.S.Jeyakarthish , Advocate in SR No. 56598

gcg

AE/JC/SAR3/02.04.2018/3P/4C

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