



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P(MD).No.54 of 2018
and
C.M.P(MD)No.1258 of 2018

S.Thenmozhi ... Petitioner/Respondent/Wife
Vs.

J.Rajendran ... Respondent/Petitioner/Husband

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.756 of 2016 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court,Tiruchirappalli.

For Petitioner : Ms.T.Banumathy
For Respondent : Mr.S.Mahendrapathy

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.756 of 2016 from the file of the Family Court, Madurai to the file of the Family Court, Tiruchirappalli.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 09.09.2013. After marriage, they lived together happily for some time. 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. While so, the petitioner conceived and the baby was stillborn during the 8th month of pregnancy. After taking complete rest for 6 months, the petitioner returned to matrimonial home, but the respondent and his family never allowed her to live in the matrimonial home and demanded dowry. Aggrieved by the action of the respondent, the petitioner left the matrimonial home and lived with her parents for the past three years. While so, the respondent herein / husband of the petitioner has filed H.M.O.P.No.756 of 2016 seeking divorce with false allegations. The grievance of the petitioner is that the respondent, being a resident of Madurai, has filed the above divorce petition at Family Court, Madurai, whereas the petitioner is residing at Trichy and hence, it is very difficult for her to travel about 150 kms from Madurai to Trichy 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, on the other hand, stoutly refuted the allegations levelled against him and he would submit that the respondent has no objection for transferring the case, however he prays for early disposal of the H.M.O.P., proceedings.

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

6. I am satisfied with the reasons stated in the affidavit filed in support of this petition and also the submission made by the learned Counsel for the respondent. 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 Judge, Family Court, Madurai, is directed to transmit the entire records in H.M.O.P.No.756 of 2016 to the file of the Judge, Family Court, Tiruchirappalli, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Tiruchirappalli, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.756 of 2016, within a period of nine months from the date of receipt of a copy of this order, in accordance with law, as expeditiously as possible.

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Judge, Family Court, Madurai

2.The Judge, Family Court, Tiruchirappalli.

+One cc to M/s.T.Banumathy, Advocate, SR.No.57201

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<https://hcservices.ecourts.gov.in/hcservices/> RL/FC/21/KR/SAR/6/4/2018

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