



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2018

CORAM

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P (MD) .No.69 of 2018
and
C.M.P (MD) No.1631 of 2018

Sridevi ... Petitioner/Respondent

Vs.

D.Balagnana Pandian ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 151 of the Civil Procedure Code, praying to withdraw and transfer the H.M.O.P.No.1 of 2018 on the file of the learned Family Court, Dindigul to any other Court at Nagercoil District.

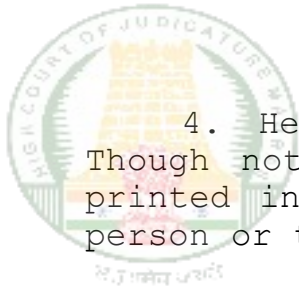
For Petitioner	:	Mr.C.Jeganathan for M/s.Veera Associates
For Respondent	:	No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.1 of 2018, from the file of the Family Court, Dindigul to any other Court at Nagercoil District.

2.The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 01.12.2016 at Abirami Amman Kovil at Dindigul as per Hindu Rites and Customs. After marriage, the respondent was working at ITSS company at Chennai and after few months he left for abroad for his employment purposes. The respondent has left the petitioner at the matrimonial home and he was staying himself at Chennai. Due to continued stay with petitioner's in-laws, they used to harass and torture the petitioner under the guise of bringing additional dowry. Aggrieved by the actions of the respondent, the petitioner left the respondent's house and was staying along with her mother at her parental home in Nagercoil.

3. In the mean time, the respondent has filed a petition in H.M.O.P.No.1 of 2018 seeking divorce before the Family Court, Dindigul. He would further contend that it is very difficult for the petitioner to travel from Nagercoil to Dindigul for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.



4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is also printed in the cause list, he has not chosen to appear either in person or through counsel.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition as well as considering the well settled law that convenience of woman has to be taken into consideration at the time of considering transfer applications as held by the Hon'ble Supreme Court in the judgment reported in 2008 (9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta), I am inclined to allow the present petition.

6. Accordingly, this petition is allowed with the following directions:

- The learned Judge, Family Court, Dindigul is directed to transmit the entire records in H.M.O.P.No.1 of 2018 to the file of the Family Court, Nagercoil within a period of two weeks from the date of receipt of copy of this order.
- The learned Family Court, Nagercoil, Kanyakumari District, after obtaining the records on transfer, is directed to dispose of the H.M.O.P.No.1 of 2018, within a period of four months thereafter, in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Dindigul.

2.The Judge,
Family Court,
Nagercoil, Kanyakumari District.

+1cc to M/S.Veera Associates, Advocate SR.No. 71397

TR. C.M.P (MD) .No.69 of 2018
04.07.2018

am

JM/AE/SAR 3/12.07.2018/2P/4C

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