



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P (MD).No. 158 of 2018
and C.M.P. (MD) No.3553 of 2018

A. Iniya Priyadarshini ... Petitioner

Vs.

R.S. Arun ... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P. No.258 of 2017 on the file of the Sub-Court, Coimbatore and transfer the same to the Family Court, Dindigul.

For Petitioner : Mr.K.Appadurai
For Respondent : Mr.R.Sundar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P. No.258 of 2017 on the file of the Sub-Court, Coimbatore and transfer the same to the Family Court, Dindigul.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 22.10.2015. It was informed that the respondent was running ALMA Clinic in several places. But after the marriage, the petitioner came to know that the respondent was employed in M/s.Bajaj Finance at Tiruppathur and that the respondent is a regular addict to alcohol, in the habit of beating and demanded dowry from the petitioner. Thereafter, the petitioner gave a complaint against the respondent to the All Women Police Station for harassment and cruelty demanding dowry and also requested to return of vehicle, jewels, articles and cash.

3. In the meantime, the respondent has filed a petition in H.M.O.P No.258 of 2017, for dissolution of marriage before the Sub-Court, Coimbatore. He would further contend that it is very difficult for the petitioner to travel with two children of one year of age and two months old baby from Dindigul to Coimbatore for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer of the case.

4. Heard the learned Counsel appearing for the petitioner as well as the respondent and perused the materials available on record.



5. The learned counsel who appearing for the respondent would submit that the HMOP can be transferred to the Family Court, Dindigul, but seeking time limit for dispose of the said HMOP.

6. Therefore, considering the arguments made by both the sides, I am inclined to allow the present petition.

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

(i) The learned Sub-Judge, Coimbatore, is directed to transmit the entire records in H.M.O.P.No.258 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 Judge, Family Court, Dindigul after obtaining the records on transfer, is directed to dispose of the H.M.O.P. No.258 of 2017, within a period of three months thereafter, in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Judge,
Coimbatore.

2. The Judge,
Family Court,
Dindigul.

+1cc to M/S.R.Sundar, Advocate SR.No. 70056

+1cc to M/S.K.Appadurai, Advocate SR.No. 70032

TR. C.M.P(MD).No. 158 of 2018
27.06.2018

ksa

JM/PN/SAR 2/12.07.2018/2P/5C