



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) .No.161 of 2018

and

C.M.P. (MD) .No.3827 of 2018

K.Vimya

... Petitioner

Vs.

K.Chandrasekar

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the H.M.O.P.No.65 of 2017 from the file of Sub Court, Trichy and transfer the same to the file of Family Court, Sivagangai.

For Petitioner	:	Mr.V.Sukumar
For Respondent	:	Mr.N.R.Balaji

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to transfer the case in H.M.O.P.No.65 of 2017 from the file of Sub Court, Trichy to the file of Family Court, Sivagangai.

2. The petitioner and the respondent got married on 12.02.2016 at R.K.Marriage Hall, Thuvarankurichi. Due to misunderstanding between them, the petitioner left the matrimonial home and living with her parents. The respondent/husband filed H.M.O.P.No.65 of 2017 before the Sub Court, Trichy, seeking for the relief of divorce. The petitioner is not having any independent source of income and she is depending upon her brother for her needs and she is not in a position to travel to Tiruchirapalli for every hearing from her village. Hence, the petitioner seeks transfer of the case in H.M.O.P.No.65 of 2017 from the file of Sub Court, Trichy to the file of Family Court, Sivagangai.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.



4. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer applications as held by the 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 Transfer Civil Miscellaneous Petition. Accordingly, the Transfer Civil Miscellaneous Petition is allowed with the following directions:

i) The Sub Court, Trichy is directed to transmit the entire records in H.M.O.P.No.65 of 2017 to the file of Family Court, Sivagangai, within a period of two weeks from the date of receipt of a copy of this order.

ii) the Family Court, Sivagangai, after obtaining the records on transfer, is directed to dispose of the H.M.O.P.(MD).No.65 of 2017 within a period of three months thereafter.

(iii) The personal appearance of the respondent/husband, who is the petitioner in H.M.O.P.No.65 of 2017, is dispensed with, except the date on which his appearance is required by the trial Court.

No costs. Consequently, the connected Miscellaneous Petition is closed.

SD
ASSISTANT REGISTRAR (RTI)

TRUE COPY

SUB ASSISTANT REGISTRAR

akv

To

1. The Subordinate Juge, (Sub Court),
Trichy.
2. The Family Court Judge, (Family Court),
Sivagangai.

1cc TO MR. V. SUKUMAR, ADVOCATE SR 74666

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