



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD).No.170 of 2018

AND

C.M.P. (MD).No.4077 of 2018

E.Suseela .. Petitioner/Respondent
Vs.

K.Lakshmanan .. Respondent/Petitioner

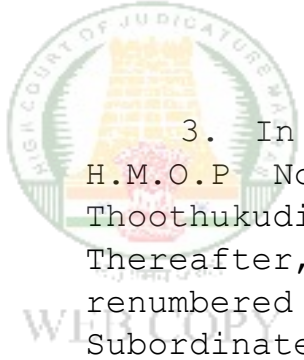
PRAYER: Civil Revision Petition filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.349 of 2015 on the file of the learned Subordinate Judge, Thoothukudi and the same was transferred and renumbered as H.M.O.P.No.148 of 2017 on the file of the learned Subordinate Judge, Tiruchendur, Thoothukudi District to the learned Principal Subordinate Judge, Tenkasi, Tirunelveli District.

For Petitioner : Mrs.P.Arun Jayatram
For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.349 of 2015 on the file of the learned Subordinate Judge, Thoothukudi and the same was transferred and renumbered as H.M.O.P.No.148 of 2017 on the file of the learned Subordinate Judge, Tiruchendur, Thoothukudi District to the learned Principal Subordinate Judge, Tenkasi, Tirunelveli District.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 29.10.2001 at Arulmighu Subramaniasamy Thirukoil, Tiruchendur. He would further submit that the respondent herein, having had the habit of drinking alcohol everyday, started torturing the petitioner in drunken mood since there is no issue. Thereafter, the respondent continued to live with her parents.



3. In the meantime, the respondent has filed a petition in H.M.O.P No.349 of 2015 before the learned Subordinate Judge, Thoothukudi seeking divorce on the ground of cruelty and desertion. Thereafter, the H.M.O.P was transferred to Tiruchendur and renumbered as H.M.O.P.No.148 of 2017 pending before the learned Subordinate Judge, Tiruchendur. The Lok Adalat settlement was arrived at between the parties and the respondent herein agreed to live along with the petitioner. The respondent herein again started quarrelling with her. Hence, the petitioner herein left the matrimonial home and residing with her father, who is aged about 80 years and her mother is no more. He would further contend that it is very difficult for the petitioner to travel with her father, who is aged about 80 years, to Tiruchendur from her native place, which is more than 200 kms distance for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

4. This Court, while admitting this case, notice ordered to the respondent and posted this case today i.e., on 07.06.2018. Though notice was issued to the respondent and his name is also printed in the cause list, there was no representation for the respondent.

5. Heard the learned Counsel appearing for the petitioner and perused the materials available on record.

6. 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.Dharmndra Kumar Gupta)**, I am inclined to allow the present petition.

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

(i) *The learned Subordinate Judge, Tiruchendur, Thoothukudi District, is directed to transmit the entire records in H.M.O.P.No.148 of 2017 to the file of the Principal Subordinate Court, Tenkasi, Tirunelveli District, within a period of four weeks from the date of receipt of copy of this order.*

<https://hcservices.ecourts.gov.in/hcservices/>
 ii) *The learned Principal Subordinate Judge, Tenkasi, Tirunelveli District, after obtaining the records on transfer, is directed to dispose the HMOP, within a*



period of three months thereafter, in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1) The Subordinate Judge,
Tiruchendur, Thoothukudi District.
- 2) The Principal Subordinate Judge,
Tenkasi, Tirunelveli District.

+1 CC to Mr.P.ARUN JAYATRAM, Advocate in SR.No.67242

STS

RJ/RP/SAR-3/17/07/2018 - 3P/4C

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07.06.2018