



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P(MD).No. 186 of 2018

and

C.M.P. (MD) No.4520 of 2018

M. Saranya

...

Petitioner

Vs.

T.Sathishkumar

...

Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P. No.145 of 2018 on the file of the Family Court, Trichy and transfer the same to any one of the competent Court in Dindigul District.

For Petitioner

:

Mr.A.Chandrakumar

For Respondent

:

Mr.P.Sesubalan Raja

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P. No.145 of 2018 on the file of the Family Court, Trichy and transfer the same to any one of the competent Court in Dindigul District.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 11.02.2015 at Trichy as per caste custom and the same was arranged by both the families. At the time of marriage, the petitioner's parents had presented gold jewels and in addition to house hold articles worth about for a sum of Rs.5 lakhs and huge sum as cash for dowry and the marriage expenses also were met out by her father nearly about 5 lakhs. After marriage, both of them lived happily in matrimonial abode at Trichy. Since the respondent is working at Bangalore shifted the family from Trichy to Bangalore. After that, the petitioner came to know that the respondent is not having permanent job and regular income and the respondent was having all the bad habits and daily visited with the house at late night hours with drunken mood. The respondent quarreled with the petitioner and demand more money and jewels. Hence, the petitioner was forcibly thrown out from the matrimonial home on 21.02.2016 by the respondent.

3. In the meantime, the petitioner has received a summons from the Family Court, Trichirapalli by stating that the petitioner has to appear before the Court on 15.05.2018. It is very difficult



for the petitioner to travel from Nilakkottai to Trichy 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. 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:

(i) *The learned Judge, Family Court, Trichy, is directed to transmit the entire records in H.M.O.P.No.145 of 2018 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.145 of 2018, within a period of three months thereafter, in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Judge, Family Court,
Trichy.

2. The Judge, Family Court,
Dindigul.

+1cc to Mr.A.Chandrakumar, Advocate Sr.No.73508

+1cc to Mr.P.Sesubalan Raja, Advocate Sr.No.73792

KSA

VB/SKN/RSK/SAR1/03.08.2018/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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