



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.07.2018
CORAM
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P (MD).No. 97 of 2015

WEB COPY

Pricey Elizabeth

... Petitioner

Vs.

Rajasekar

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw and transfer, I.D.O.P. No.22 of 2015 on the file of the Principal District and Sessions Court, Thanjavur, Thanjavur District to the file of the Family Court, Tiruchirappalli, Tiruchirappalli District.

For Petitioner : Mr.A. Thiruvadi Kumar
For Respondent : Mr.S.Raja Prabhu

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer, I.D.O.P. No.22 of 2015 on the file of the Principal District and Sessions Court, Thanjavur, Thanjavur District to the file of the Family Court, Tiruchirappalli, Tiruchirappalli District.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 20.11.2013, as per Christian rituals and customs and the same was registered in No.174/2013 dated 20.11.2013 with Carmel Christian Ministry, Thanjavur. At the time of marriage, the petitioner's parents had presented with 15 sovereigns of gold jewels and in addition to other house hold and Sridhana articles. He would further submit that due to persistent demand made by the respondent and his family members, the petitioner went to her parent's home.

3. He would further submit that there was exchange of notices among themselves and the petitioner had also initiated proceedings in M.C.No.4 of 2015 before the family Court, Tiruchirappalli for maintenance and also initiated proceedings under Domestic Violence Act. The petitioner is residing at Tiruchirappalli along with her parents. In the meantime, the petitioner had received the summons in I.D.O.P. No.22 of 2015 on the file of the learned Principal District Sessions Judge, Thanjavur, Thanjavur District and the petitioner had appeared and filed her counter. He would further contend that it is very difficult for the petitioner to travel from Tiruchirappalli to Thanjavur 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 Principal District and Sessions Judge, Thanjavur, Thanjavur District is directed to transmit the entire records in I.D.O.P.No.22 of 2015 to the file of the Family Court, Tiruchirappalli within a period of two weeks from the date of receipt of copy of this order.
- ii) The learned Judge, Family Court, Tiruchirappalli after obtaining the records on transfer, is directed to dispose of the I.D.O.P. No.22 of 2015, 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(SAR-III)

To

1. The Principal District and Sessions Judge,
Thanjavur, Thanjavur District.
2. The Judge,
Family Court,
Tiruchirappalli.

+1CC to Mr.A.Thiruvadi Kumar, Advocate, SR.No. 71590

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KSA