



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P.(MD) No.197 of 2018
and
C.M.P.(MD) No.4776 of 2018

K.Niranjana

... Petitioner

Vs.

M.Kamala Kannan

... Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, prayed that this Court may be pleased to withdraw the H.M.O.P.No.94 of 2018 pending before Sub Court, Pudukkottai and to transfer to the Trichy Family Court, Trichy District.

For Petitioner : Mr.G.Chandrasekar
For Respondent : No Appearance

ORDER

The petitioner has come forward with this petition to withdraw and transfer the H.M.O.P.No.94 of 2018 from the file of the Sub Court, Pudukkottai to the Family Court, Trichy.

2.The learned counsel for the petitioner/wife submitted that the marriage between the petitioner/wife and the respondent/husband was solemnized on 09.04.2014. While so, the respondent/husband has filed H.M.O.P.No.94 of 2018 seeking to dissolve their marriage before the Sub Court, Pudukkottai. Out of the wedlock they blessed with a girl child who has 2 ½ years old and residing at Trichy. Now she is unable to travel from Trichy to Pudukkottai for every hearing. Hence, the petitioner has come forward with this petition for transfer.

3.No representation for the respondent, though his name was printed in the cause list.

4.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in 2008(9) SCC 353 (Arti Rani @ Pinki Devi and another Vs.Dharmendra Kumar Gupta) and AIR 2002 SC 396 (Sumita Singh Vs. Kumar Sanjay and another). In view of the above and also the submission made by learned counsel appearing for the petitioner, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this Petition is allowed with the following



directions:-

(a) The learned Subordinate Judge, Pudukkottai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.94 of 2018 to the Family Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of four months.

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The Subordinate Judge,
Pudukkottai.

2.The Judge,
Family Court,
Trichy.

+1CC to Mr.G.Chandrasekar Advocate in Sr.No.76015.

TM

DS SKN SAR-2 ;03.09.2018; 2P/4C

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