



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2018

CORAM:

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN, J

Transfer C.M.P. (MD) No.155 of 2017
and C.M.P. (MD) No.3584 of 2017

Karthika

... Petitioner

-vs-

G.Rajnarayanan

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure praying to to withdraw the case H.M.O.P.No.224 of 2017 on the file of the Family Court, Madurai, Madurai District to transfer the same to on the file of Sub Court, Ramanathapuram, Ramanathapuram District for adjudication.

For Petitioner : No Appearance
For Respondent : Mr.P.Nallamaruthu

O R D E R

The petitioner, who is the wife of the respondent has filed this transfer petition with the prayer to transfer the case, pending on the file of the Family Court, Madurai, Madurai District in H.M.O.P.No.224 of 2017 (which was filed by her husband for dissolving their marriage), to the Sub Court, Ramanathapuram, Ramanathapuram District.

2. There is no representation for the petitioner. Heard the learned counsel for the respondent and perused the materials available on record.

3. It is the case of the petitioner / wife (as averred in the petition) that her marriage with the respondent / husband had taken place on 12.02.2016 and thereafter, demanding more dowry, the respondent was forcibly sent out of her matrimonial home. It is the further case of the revision petitioner that the respondent / husband, on the ill-advice of his parents, has filed a petition in H.M.O.P.No.224 of 2017 on the file of the Family Court, Madurai, Madurai District for divorce.

4. It is further averred in the petition that she has been residing in Ramanathapuram in her parents' house and has been struggling for her livelihood and therefore, she is not in a position to attend the Court proceedings at Madurai, by incurring huge expenses on every hearing.

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5. The learned counsel for the respondent would submit that



the allegations levelled against the respondent in the petition are false and it is the petitioner, who deserted the respondent / husband. However, he would further submit that in the event of this Court allowing this petition, suitable direction may be issued to the Trial Court for early disposal of the H.M.O.P., proceedings.

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6. It is seen that the petitioner is living with her parents, which is not disputed by the respondent / husband and it is well settled law that convenience of woman is the paramount consideration, while dealing with transfer applications, as held by the Hon'ble Supreme Court in the case of Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta, reported in 2008 (9) SCC 353. Therefore, I am inclined to allow the present petition.

7. In the result,

a) this Transfer Petition is allowed;

b) the learned Family Court Judge, Madurai, is directed to transmit the entire records in H.M.O.P.No.224 of 2017 to the file of the Sub Court, Ramanathapuram, within a period of two weeks from the date of receipt of copy of this order;

c) The learned Subordinate Judge, Ramanathapuram, after obtaining the records on transfer in respect of H.M.O.P.No.224 of 2017, is directed to dispose of the same, within a period of three months thereafter;

d) the appearance of the respondent / husband before the Court at Ramanathapuram is dispensed with, except on the hearings when his presence is specifically insisted upon by the Trial Court.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Cs-II)

/True Copy/

Sub Assistant Registrar (Cs-IV)

To:

1.The Judge,
Family Court, Madurai.

2.The Subordinate Judge,
Ramanathapuram.

+1CC to Mr.D.Balamurugapandi Advocate in SR.No.74944.

AR

DS/RP/SAR-4 :13.08.2018: 2P/4C

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