



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P.(MD).No.189 of 2017 and
C.M.P.(MD).No.4270 of 2017

P. Sharmila Devi

... Petitioner

Vs.

R. Balakrishnan

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the case in H.M.O.P.No.616 of 2016 on the file of the Sub Court, Tambaram and to transfer the same to the Family Court, Madurai.

For Petitioner : No appearance

For Respondent : Mr.T. Lajapathiroy

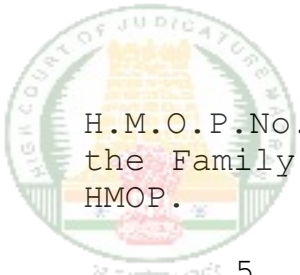
O R D E R

The Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.616 of 2016 on the file of the Sub Court, Tambaram and to transfer the same to the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.06.2011, as per Hindu Rites and Customs. Due to mis-understanding between the petitioner and the respondent, the petitioner was sent out from matrimonial home. Thereafter, the respondent filed HMOP.No.616 of 2016, before the Sub Court, Tambaram, for divorce.

3. Now, the petitioner is residing at Madurai, with her aged parents. The distance between Madurai and Tambaram is approximately 450 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.616 of 2016, pending on the file of Sub Court, Tambaram. Further, there is no one to accompany with her to travel such a long distance to attend HMOP.No.616 of 2016, before the Sub Court, Tambaram. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer HMOP.No.616 of 2016, on the file of Sub Court, Tambaram, to Family Court, Madurai.

4. The learned counsel appearing for the respondent submitted that the respondent has no objection to transfer the case in



H.M.O.P.No.616 of 2016, on the file of the Sub Court, Tambaram to the Family Court, Madurai, but, he prays for early disposal of the HMOP.

5. 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 submission of the learned counsel appearing for the respondent, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this Petition is allowed with the following directions:-

(a) The learned Subordinate Judge, Tambaram, is directed to transmit the entire records pertaining to the case in HMOP No.616 of 2016 to the transferee Court, within a week 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, Madurai, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of three months.

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

Sd/-
Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Juddge,
Tambaram
2. The Judge, Family Court, Madurai.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 63866

Tr.C.M.P.(MD).No.189 of 2017 and
C.M.P.(MD).No.4270 of 2017
26.04.2018

trp

AM/SKN RSK/SAR 4/22.05.2018/2P/4C

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