



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.202 of 2017
and
C.M.P (MD) No.4523 of 2017

S.Devi

... Petitioner/Respondent

Vs.

K.Sakthivel

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.81 of 2016 on the file of the learned Subordinate Judge, Virudhunagar and transfer the same to the learned Family Court, Madurai.

For petitioner : Mr.R.Venkateswaran
For respondent : Mr.M.Kannan

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.81 of 2016, from the file of the Subordinate Court, Virudhunagar to the file of the Family Court, Madurai.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 20.04.2009. After marriage, both of them lived happily and they blessed with two children. While so, the respondent herein / husband of the petitioner has filed H.M.O.P.No.81 of 2016 seeking divorce on the ground of cruelty and desertion. The grievance of the petitioner is that the respondent being the resident of Virudhunagar District has filed the above divorce petition at Subordinate Court, Virudhunagar, whereas the petitioner is residing at Madurai along with two children and doing maid servant work for their livelihood and hence, it is very difficult for her to travel about 120 kms with her children from Madurai to Virudhunagar for attending each and every hearing for the case.

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

3. The learned counsel for the petitioner reiterated the



averments made in the petition.

4. The learned Counsel for the respondent would submit that the respondent has no objection for transferring the case, however, he prays for transfer of the case to the file of the learned Judicial Magistrate, Thirumangalam.

5. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent and perused the materials available on record.

6. I am satisfied with the reasons stated in the affidavit filed in support of this petition. As held by the Supreme Court in the judgment reported in **2008 (9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, convenience of woman is to be taken into consideration first at the time of considering transfer applications. Hence, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Subordinate Judge, Virudhunagar is directed to transmit the entire records in H.M.O.P.No.81 of 2016 to the file of the Family Court, Madurai within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Family Court Judge, Madurai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.81 of 2016 as expeditiously as possible in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Virudhunagar.
- 2.The Judge, Family Court, Madurai.

- + 1 CC TO Mr.R.VENKATESWARAN, ADVOCATE IN SR No. 44232
- + 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 44424

GCG

TE/KKR/SAR-3 : 14/02/2018 : 2P/5C