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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018
CORAM
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P(MD).No.243 of 2017
and
C.M.P(MD)Nos.5800 and 8388 of 2017

Rekha ... Petitioner/Respondent

Vs.

Dr.Ranjith Kamal Udayakumar ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 r/w.151 of the Civil Procedure Code, 1908, praying to withdraw the case on the file of the Subordinate Judge, Chengalpattu in H.M.O.P.No.35 of 2017 and transfer the same to the learned Subordinate Judge, Pattukkottai, Thanjavur District.

For Petitioner : Mr.S.Deenadhayalan
For Respondent : M/s.J.Anandhavalli

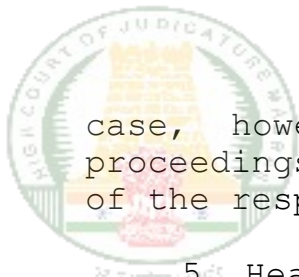
ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.35 of 2017, from the file of the learned Subordinate Judge, Chengalpattu to the learned Subordinate Judge, Pattukkottai, Thanjavur District.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 15.03.2013 at Komala Vilas Raju Thirumana Mahal, Pattukottai. After marriage, both of them lived happily for some time. Thereafter, the petitioner underwent harassment and cruelty under the hands of the respondent and the respondent's family. Aggrieved by the actions of the respondent, the petitioner left the respondent's house and was staying along with her mother at her parental home in Pattukottai.

3. In the mean time, the respondent has filed a petition in H.M.O.P.No.35 of 2017 seeking divorce before the learned Subordinate Judge, Chengalpattu. He would further contend that it is very difficult for the petitioner to travel from Pattukottai to Chengalpattu for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

4. The learned Counsel for the respondent, on the other hand, stoutly refuted the allegations levelled against him and he would submit that the respondent has no objection for transferring the



case, however, he prays for early disposal of the H.M.O.P., proceedings as well as for dispensing with the personal appearance of the respondent before the Court below.

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

6. 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 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.

7. Accordingly, this petition is allowed with the following directions:

- The learned Subordinate Judge, Chengalpattu is directed to transmit the entire records in H.M.O.P.No.35 of 2017 to the file of the learned Subordinate Judge at Pattukkottai, Thanjavur District within a period of two weeks from the date of receipt of copy of this order.
- The learned Subordinate Judge, Pattukkottai, Thanjavur District after obtaining the records on transfer, is directed to dispose of the H.M.O.P., within a period of four months thereafter, in accordance with law.
- The personal appearance of the respondent/husband before the learned Subordinate Judge, Pattukkottai, Thanjavur District, on all hearings is dispensed with, except the hearings on which his personal appearance is specifically insisted upon by the Court below.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Chengalpattu

2.The Subordinate Judge,
Pattukkottai,
Thanjavur District.



+1CC to Mr.S.Deenadhayalan, Advocate, SR.No.69067
+1CC to M/s.J.Anandhavalli, Advocate, SR.No.69100

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