



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.313 of 2017

and

C.M.P (MD) No.6682 of 2017

Uma Devi

... Petitioner/Respondent

Vs.

Shanmuga Raja

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the HMOP.No.116 of 2017 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.S.Muthukrishnan

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of HMOP.No.116 of 2017, from the file of the Family Court, Sivagangai, to the file of the Family Court, Trichy.

2. The learned Counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 03.04.2015 and their marriage is a love marriage. The petitioner would contend that she belong to the Most Backward Community and the husband belong to the Schedule Caste Community and therefore, the marriage was not accepted by the respondent's parents. After marriage the petitioner and her husband stayed in the house of her husband's aunt for a week and thereafter, both of them lived in the petitioner's mother's house. According to the petitioner the marital life of the petitioner was not pleasant, due to the misconduct and misbehavior of the respondent and thereafter, the respondent left her house and filed a divorce petition in HMOP No.116 of 2017, against the petitioner with false allegations at Sivagangai. According to the petitioner she is residing at her parent's house at Trichy and the distance between



Sivagangai and Trichy is nearly 130 Kms. and she is not in a position to attend the Court at Sivagangai and hence, she has come forward with the present petition for transfer.

4. Heard the learned Counsel for the petitioner and perused the materials available on record. Though notice was served to the respondent none of them appeared.

5. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer application 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 this Transfer Civil Miscellaneous Petition.

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

- The learned Family Judge, Sivagangai is directed to transmit the entire records in HMOP.No.116 of 2017 to the file of the Family Judge, Trichy, within a period of two weeks from the date of receipt of copy of this order.
- The learned Family Judge, Trichy, after obtaining the records on transfer, is directed to dispose of the same, in accordance with law, as early as possible.

No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Judge,
Family Court, Sivagangai,

2.The Judge,
Family Court, Trichy.

+ 1 cc TO Mr.S.Muthukrishnan , Advocate in SR No. 49145

rm

AE/KK/SAR4/28.02.2018/2P/4C