



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) .No.329 of 2017 and
C.M.P. (MD) .No.6945 of 2017

V. Lakshmi Priya

... Petitioner

Vs.

J. Prakash

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 C.P.C praying to order to transfer the petition in HMOP.No.227of 2017 pending on the file of Family Court, Trichy to Sub Court, Pudukkottai.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.T. Vadivelan

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP.No.227of 2017, on the file of the Family Court, Trichy and transfer the same to the file of the Sub Court, Pudukkottai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.06.2016. Due to the mis-understanding between the petitioner and the respondent, the petitioner sent out from the matrimonial home. Thereafter, the respondent / husband filed HMOP.No.227 of 2017, before the Family Court, Trichy, for divorce.

3. Now, the petitioner is residing at Pudukkottai District with her aged parents. The distance between Pudukkottai and Trichy is approximately 75 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.227 of 2017, pending on the file of the Family Court, Trichy. Further, there is no one to accompany with her to travel such a long distance to attend HMOP.No.227 of 2017 and the petitioner is not having any income. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.227 of 2017, pending on the file of the Family Court, Trichy to the Sub Court, Pudukkottai.



4. The learned counsel appearing for the respondent submitted that since the respondent is working at Chennai it is very difficult for him to attend each and every hearing at Sub Court, Pudukkottai.

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 the submission made by 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 Judge, Family Court, Trichy, is directed to transmit the entire records pertaining to the case in HMOP.No.227 of 2017 to the Sub Court, Pudukkottai, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Subordinate Judge, Pudukkottai, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of three months on day to day basis without giving any further adjournment to either parties.

(c) No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judge, Family Court, Tiruchirappalli.
2. The subordinate Judge, Pudukkottai.

+ 1 CC TO Mr.T.VADIVEL, ADVOCATE IN SR No. 72893
+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 72954

TRP

TE/RP/SAR-3 : 26/07/2018 : 2P/5C