



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.CMP(MD)No.341 of 2017
and
CMP(MD)No.7143 of 2017

V.Geetha ... Petitioner/Respondent

vs.

Siddartha ... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw HMOP.No.420 of 2017 from the Family Court at Madurai and transfer the same to the Family Court at Dindigul.

For Petitioner : Mr.J.Lawrance
For Respondent : Mr.R.Aravindan

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer HMOP.No.420 of 2017 from the file of the Family Court, Madurai, and transfer the same to the Family Court at Dindigul.

2.Learned counsel for the petitioner would among other things aver that the marriage between the petitioner and the respondent was solemnised on 20.05.2015 as per the Hindu rites and customs. Out of the wedlock, one female child was born. It is further contended that on the allegation that the petitioner was not discharging her duties as a dutiful wife, she was forced to leave the matrimonial home and she is now residing in her parental home with the child. While so, the respondent/husband filed HMOP.No.420 of 2017 from the file of the Family Court, Madurai, for restitution of conjugal rights.

3.Learned counsel for the petitioner would further submit the petitioner along with her daughter is now residing with her aged parents at Dindigul and working as Assistant in the Treasury Office at Dindigul. Further, the distance between Madurai and Dindigul is about 70 kms and without any assistance, she is unable to travel to Madurai to attend the hearings of HMOP.

4.Though the learned counsel for the respondent objected to the



transfer of HMOP.No.420 of 2017, he prayed for early disposal of the said HMOP.

5. Heard the learned counsel for the petitioner as well as respondent and perused the materials available on record.

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6. It is a settled legal proposition that in transfer petitions regarding matrimonial disputes, convenience of the wife has to be given preference. In this regard, reference can be made to the following decision of the Hon'ble Supreme Court in **Arti Rani @ Pinki Devi and another Vs. Dharmendra Comber Gupta**, reported in **2008 (9) SCC 353**, wherein, it has been held that convenience of the wife must be given preference in the matter of transfer petition.

7. Considering the facts and circumstances of the case and in the light of the legal principle that convenience of the wife has to be given preference, this Transfer Civil Miscellaneous Petition is allowed with the following directions:-

(i) The learned Judge, Family Court, Madurai, is directed to transfer all the case papers pertaining to HMOP.No.420 of 2017 to the learned Judge, Family Court at Dindigul, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the case papers in HMOP.No.420 of 2017, the learned Judge, Family Court at Dindigul, shall dispose of HMOP.No.420 of 2017 within a period of six months thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1) The Judge, Family Court,
Dindigul.

2) The Judge, Family Court,
Madurai.

+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 47985

BALA

TE/SKN-RSK/SAR-1 : 23/02/2018 : 2P/4C

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