



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) No.397 of 2017
and
C.M.P. (MD) No.8066 of 2017

A.Sri Vithya

... Petitioner/Respondent

Vs.

T.Anandha Murugan

... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.70 of 2017 on the file of the Sub Court, Dindigul and transfer the same to the III Additional Family Court, Chennai and club the same with O.P.No.1894 of 2017 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.B.Jeyakumar
For Respondents : Mr.C.Jaya Prakash

O R D E R

The petitioner has come forward with this petition to withdraw the H.M.O.P.No.70 of 2017 from the file of the Subordinate Judge's Court, Dindigul and transfer the same to the III Additional Family Court, Chennai and club the same with O.P.No.1894 of 2017 on the file of the III Additional Family Court, Chennai.

2.The learned counsel for the petitioner submitted that the marriage between the petitioner/wife and the respondent/husband was solemnized on 08.06.2016. Thereafter, the respondent harassed the petitioner by demanding more dowry. Hence, the petitioner left from the matrimonial home. Thereafter, the respondent has filed H.M.O.P.No.70 of 2017 before the Sub-Court, Dindigul, seeking divorce. The petitioner also filed a case for conjugal rights in O.P.No.1894 of 2017 before the III Additional Family Court, Chennai. The petitioner finds it difficult to travel to Dindigul for every hearing. Therefore, the petitioner has come forward with this present petition for transfer.

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



transferring the case, however, he prays for early disposal of both the H.M.O.P., proceedings.

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

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 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)**. Therefore, I am inclined to allow the present petition.

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

- The learned Subordinate Judge, Dindigul, is directed to transmit the entire records in H.M.O.P.No.70 of 2017 to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of copy of this order.
- The learned Judge, III Additional Family Court, Chennai, after obtaining the records on transfer, is directed to try both the petitions, viz., H.M.O.P.No. 70 of 2017 and O.P.No.1894 of 2017, together and dispose of the same within a period of six months thereafter, in accordance with law.
- Both parties are directed to give their fullest co-operation for the disposal of the original petitions.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Dindigul.
- 2.The III Additional Family Court Judge, Chennai.
- 3.The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

TM

TE/RSK/SAR-2 : 08/05/2018 : 2P/5C