



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.434 of 2017
and
C.M.P (MD) No.8708 of 2017

Santhini @ Immanuel Mancy ... Petitioner/Respondent

Vs.

Karunakaran ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the HMOP.No.134 of 2016 on the file of the Principal Sub Court, Dindigul and transfer the same to the file of the Family Court, Madurai.

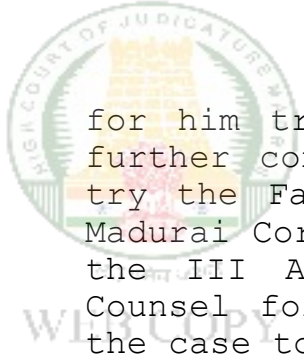
For Petitioner : Mr.A.Gopal
For Respondent : Mrs.S.Vijayashanthi

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of HMOP.No.134 of 2016, from the file of the Principal Sub Court, Dindigul, to the Family Court, Madurai.

2. The learned Counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 12.11.2014 at K.Mukkapilla Parvathiammal Marriage Hall, Sithaiyan Kottai. 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 petitioner was forcibly sent out from the matrimonial home and lived with her aged parents. Thereafter, the respondent filed a petition in HMOP No.134 of 2016, on the file of the Principal Sub Court, Dindigul, seeking divorce, which is said to be pending. He would further submit that the petitioner was put to mental agony and it is very difficult for the petitioner to travel from Madurai to Dindigul for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

3. The learned Counsel for the respondent would fairly concede that if the matter is transferred to Sub Court Madurai, she has no objection, as the respondent is at Kodaikannal, however, she prays for early disposal of the HMOP petition. It is very difficult



for him travel to Madurai for each and every hearing. She also further contended that the Sub Court, Madurai has jurisdiction to try the Family Court cases for the persons residing out side the Madurai Corporation and therefore, she prays to transfer the same to the III Additional Sub Court, Madurai, for which, the learned Counsel for the petitioner has also no objection for transferring the case to Sub Court.

4. Heard the learned Counsel on either side 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 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 Principal Subordinate Judge, Dindigul is directed to transmit the entire records in HMOP.No.134 of 2016 to the file of the III Additional Subordinate Judge, Madurai, within a period of two weeks from the date of receipt of copy of this order.
- The learned III Additional Subordinate Judge, Madurai, after obtaining the records on transfer, is directed to dispose of the same, within a period of one year thereafter, in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge, Dindigul,
2. The III Additional Subordinate Judge,
Madurai.

+ 1 CC TO Mr.A.GOPAL, ADVOCATE IN SR No. 49505

RM

TE/SKN-RSK/SAR-1 : 27/02/2018 : 2P/4C