



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

TR.C.M.P. (MD) No.443 of 2017 and
C.M.P. (MD) No.8816 of 2017

M.V.Revathy

... Petitioner/Respondent

Vs.

C.Sankar

... Respondent/Petitioner

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.77 of 2016 pending on the file of the Sub Court, Nagercoil and transfer the same to the Family Court, at Madurai.

For Petitioner : Mr.Ramesh Raja
For Respondent : Mr.N.S.Ramakrishna Dass

ORDER

This petition is filed to withdraw the case in H.M.O.P.No.77 of 2016 pending on the file of the Sub Court, Nagercoil and transfer the same to the Family Court, at Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. On 07.06.2015, the marriage between the petitioner and the respondent was solemnised as per the Hindu Rites and customs at MMI Thirumana Mandapam, Ozhuginasery. They lived together only for seven days and on 14.06.2015, the petitioner left from the matrimonial home. Hence, the respondent filed a petition in H.M.O.P.No.77 of 2016 on the file of the Sub Court, Nagercoil, for dissolving the marriage.

4. Learned counsel for the petitioner submitted that the petitioner is residing at Madurai and she could not travel to Nagercoil during every hearing. He further submitted that it will be convenient to the respondent to conduct the case at Madurai, because he is working at Trichy.

5. 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 Hon'ble Supreme Court in the Judgment



reported in **2008 (9) SCC 353** in the case of **Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta**. I am inclined to allow the Transfer Civil Miscellaneous petition. Accordingly, the Transfer Civil Miscellaneous petition is allowed with the following directions:-

i) the learned Subordinate Judge, Nagercoil, is directed to transmit the entire records in H.M.O.P.No.77 of 2016 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

ii) the learned Judge, Family Court, Madurai, after obtaining the records on transfer, is directed to dispose of the case in H.M.O.P.No.77 of 2016 within a period of three months thereafter.

iii) Both the parties are directed to appear before the Court below without fail.

No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Nagercoil.
2. The Judge, Family Court, Madurai.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.P.T.RAMESH RAJA, ADVOCATE IN SR No. 61990

PMU

TE/RSK/SAR-2 : 08/05/2018 : 2P/6C

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