



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2018
CORAM
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.457 of 2017
and
C.M.P (MD) No.8962 of 2017

Gurulakshmi ... Petitioner/Respondent

Vs.

Maheshkumar @ Muthuvel ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the case in H.M.O.P.No.211 of 2017 on the file of the Family Court, Trichy and transfer the same to Sub Court, Sankarankovil, Tirunelveli District.

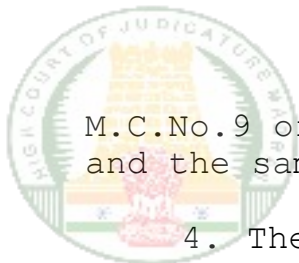
For Petitioner : Mr.V.Muthuvelan
For Respondent : No representation

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.211 of 2017, from the file of the Family Court, Trichy to the Sub Court, Sankarankovil, Tirunelveli District.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 22.11.2009, at 'Auto Parts Dealers Association Marriage Hall' at Beema Nagar, Trichy. After marriage, both of them lived happily for quite some period at Trichy. Thereafter, they shifted to Sithurajapuram and in the meantime, the petitioner got conceived and therefore, she alone moved to her parental home at Sankarankovil. Out of the wedlock, the petitioner gave birth to a female child, namely, Mathu Neela on 22.10.2011, but, according to the petitioner, the respondent did not choose to visit them immediately and only after some time, he came and visited them. Even thereafter, the respondent did not choose to bring them back to the matrimonial home along with him and only after the advice of the elders, the respondent took them to Keeleamarathupatti and thereafter to Trichy, where both of them resided.

3. Subsequent thereto, according to the petitioner, the respondent and his family started harassing and demanding dowry from the petitioner. Adding fuel to the same, she was driven away from the matrimonial home to her parental home at Sankarankovil. Thereafter, the petitioner has filed a maintenance petition in



M.C.No.9 of 2017 before the Judicial Magistrate Court, Sankarankovil and the same is pending.

4. The learned Counsel for the petitioner would submit that in the mean time, the respondent has filed a petition in H.M.O.P.No.211 of 2017 seeking divorce before the Family Court, Trichy. The learned Counsel for the petitioner would further submit that as the petitioner is residing at her parental home at Sankarankovil, along with her parents, it is very difficult for the petitioner to travel from Sankarankovil to Trichy for attending each and every hearing of the case in H.M.O.P.No.211 of 2017. Therefore, she has come forward with the present petition.

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

6. Though private notice was served on the respondent and his name was also printed in the cause list, there is no representation for the respondent, either in person or through Counsel.

7. 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.

8. Accordingly, this petition is allowed and the learned Judge, Family Court, Trichy is directed to transmit the entire records in H.M.O.P.No.211 of 2017 to the file of the Sub Court, Sankarankovil, Tirunelveli District within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Judge,Family Court, Trichy.

2.The Sub Judge, Sankarankovil, Tirunelveli District.

+1cc to Mr.V.MUTHUVELAN, Advocate, SR.No.54009

TR. C.M.P (MD) .No.457 of 2017
and
C.M.P (MD) No.8962 of 2017
08.03.2018

GK

KK/JC/21.03.2018/SAR-1/2P-4C