



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

TR. C.M.P (MD) .No.472 of 2017
and
C.M.P (MD) No.9376 of 2017

L.Suganthi

... Petitioner/Respondent

Vs.

P.Durai

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to pass an order to transfer the H.M.O.P.No.484 of 2017 on the file of the Additional Family Court, Coimbatore to the file of Family Court, Trichy.

For Petitioner : Mr.A.K. Manickam
For Respondent : Mr.V.Thirumal

ORDER

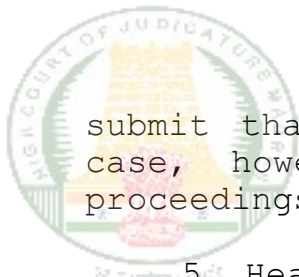
This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.484 of 2017, from the file of Additional Family Court, Coimbatore to Family Court, Trichy.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 17.02.2016 at Nadar Uravinmurai Adithanar Thirumana Mandapam, Trichy. After marriage, both of them lived happily in matrimonial abode at Coimbatore. Thereafter, the petitioner underwent harassment and cruelty under the hands of the respondent and the respondent's family. Aggrieved by the actions of the respondent, the petitioner was staying along with her parental home at Trichy.

3. In the meantime, the respondent has filed a petition in H.M.O.P No.484 of 2017 seeking divorce before the Additional Family Court, Coimbatore. He would further contend that it is very difficult for the petitioner to travel from Trichy to Coimbatore for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Counsel for the respondent, on the other hand, stoutly refuted the allegations levelled against him and he would



submit that the respondent has no objection for transferring the case, however, he prays for early disposal of the H.M.O.P., proceedings.

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

6. Being satisfied with the reasons stated in the affidavit filed in support of this petition as well as considering the well settled law that convenience of woman has 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 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, I am inclined to allow the present petition.

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

(i) *The learned Judge, Additional Family Court, Coimbatore is directed to transmit the entire records in H.M.O.P.No. 484 of 2017 to the file of the Family Court, Kulithalai, Trichy District within a period of two weeks from the date of receipt of copy of this order.*

ii) *The learned Judge, Family Court, Kulithalai after obtaining the records on transfer, is directed to dispose of the HMOP, within a period of three months thereafter, in accordance with law.*

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Additional Family Court,
Coimbatore.

2. The Judge, Family Court,
Kulithalai,
Trichy District.

+ 1 CC TO Mr.V.THIRUMAL, ADVOCATE IN SR No. 67073

+ 1 CC TO Mr.A.K.MANICKAM, ADVOCATE IN SR No. 67169

KSA

TE/JC/SAR-3 : 28/06/2018 : 2P/5C