



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P(MD).No.479 of 2017
and
C.M.P(MD)No.9580 of 2017

Anuradha

... Petitioner/Respondent

Vs.

Rameshbabu

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.225 of 2017 on the file of the Family Court, Tirunelveli, and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.C.Deepak
For Respondent : Mr.T.Selvan

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.225 of 2017 from the file of the Family Court, Tirunelveli, to the file of the Family Court, Madurai.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 07.03.2007. According to the petitioner, after few days from their marriage, she was put to harassment by the respondent and his family members. In the mean time, the petitioner gave birth to a male child on 27.08.2010 and even thereafter, there was no change in the attitude of the respondent. While so, the respondent herein / husband of the petitioner has filed H.M.O.P.No.225 of 2017 seeking divorce with false allegations. The grievance of the petitioner is that the respondent, being a resident of Tirunelveli, has filed the above divorce petition at Family Court, Tirunelveli, whereas the petitioner is residing at Madurai and hence, it is very difficult for her to travel about 162 kms from Madurai to Tirunelveli for attending each and every hearing of the case along with her son, who is studying 2nd standard. Hence, she prays for transfer of the case.



3. The learned counsel for the petitioner reiterated the averments made in the petition.

4. The learned Counsel for the respondent would refute the allegations levelled against the respondent, however, he would submit that the respondent has no objection for transferring the case.

5. Heard the learned Counsel on either side and perused the materials available on record.

6. I am satisfied with the reasons stated in the affidavit filed in support of this petition and also the submission made by the learned Counsel for the respondent. The Hon'ble Supreme Court in the judgment reported in **2008 (9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, has held that convenience of woman is to be taken into consideration first at the time of considering transfer applications. Hence, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Family Court, Tirunelveli, is directed to transmit the entire records in H.M.O.P.No.225 of 2017 to the file of the Judge, Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Madurai, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.225 of 2017 on merits and in accordance with law, as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Tirunelveli.
2. The Judge, Family Court, Madurai.

+ 1 CC TO Mr.C.DEEPAK, ADVOCATE IN SR No. 56991

RM

TE/KKR/SAR-4 : 05/04/2018 : 2P/4C