



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD).No.500 of 2017
and
C.M.P. (MD).No.10265 of 2017

Dr.M.Vidyasri

... Petitioner

Vs.

Dr.K.Vignesh

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the H.M.O.P.No.220 of 2017 pending on the file of Family Court, Sivagangai and transfer the same to the file of Family Court, Madurai to be tried along with H.M.O.P.No.245 of 2016.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.C.Jeya Prakash

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to transfer the case in H.M.O.P.No.220 of 2017 on the file of Family Court, Sivagangai to the file of Family Court, Madurai, to be tried along with H.M.O.P.No.245 of 2016.

2. The petitioner and the respondent got married on 12.12.2012 as per the Hindu Rites and Customs and a female child was born to them. Due to misunderstanding, they are living separately. The respondent issued legal notice on 15.03.2016. Hence, the petitioner/wife filed H.M.O.P.No.245 of 2016 before the Family Court, Madurai seeking for the relief of restitution of conjugal rights. The respondent/husband has filed H.M.O.P.No.220 of 2017 before the Family Court, Sivagangai seeking for the relief of divorce. The petitioner is studying 2nd year Post Graduate M.D., at Chennai Medical College, Chennai and she is not in a position to avail leave very often and attend the hearing at Sivagangai. Hence, the petitioner seeks transfer of the case in H.M.O.P.No.220 of 2017 on the file of Family Court, Sivagangai to the file of Family Court, Madurai, to be tried along with H.M.O.P.No.245 of 2016.

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

3. Heard the learned counsel for the petitioner and the



learned counsel for the respondent.

4. 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). I am inclined to allow the Transfer Civil Miscellaneous Petition. Accordingly, the Transfer Civil Miscellaneous Petition is allowed with the following directions:

i) The Family Court, Sivagangai is directed to transmit the entire records in H.M.O.P.No.220 of 2017 to the file of Family Court, Madurai.

ii) the Family Court, Madurai after obtaining the records on transfer, is directed to dispose of the H.M.O.P.(MD).Nos.220 of 2017 and 245 of 2016 within a period of four months thereafter.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

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

AKV

DS/KKR/SAR-2 :11.05.2018: 2P/3C

Tr.C.M.P. (MD) .No.500 of 2017
and

C.M.P. (MD) .No.10265 of 2017
03.04.2018