



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P (MD).No.518 of 2017

and

C.M.P (MD)No.10902 of 2017

V. Amutha

... Petitioner/Respondent

Vs.

A. Ramanathan

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Hindu Marriage Act, 1955, praying to pass an order to transfer the H.M.O.P.No.212 of 2017 filed by the respondent on the file of the II Additional Sub Court, Coimbatore to the file of Sub-Court, Aruppukkottai.

For Petitioner :Mr.P. Ganapathi Subramanian

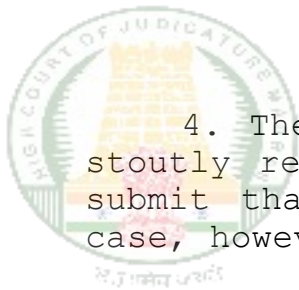
For Respondent :Mr.K.Sivabalan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.212 of 2017, from the file of II Additional Sub Court, Coimbatore to Sub-Court, Aruppukkottai.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 01.03.1996 at Madurai. After marriage, both of them lived happily in matrimonial abode at Coimbatore and the respondent was in regular service in Cotton Mill at Coimbatore and that they were blessed with female child on 24.04.1997, namely Diviya. 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 and her daughter Diviya left the respondent's house and was staying along with her aged mother at her parental home at Sempatti Village, Aruppukkottai Taluk.

3. He would further submit that the petitioner and her daughter seeking financial support from the respondent, by filing petition in D.V.O.P. No.13 of 2017 before the learned Judicial Magistrate, Aruppukkottai. In order to escape from the clutches of law, the respondent has filed a petition in H.M.O.P No. 212 of 2016 seeking divorce before the II Additional Sub-Court, Coimbatore. He would further contend that it is very difficult for the petitioner to travel from Sempatti Village, Aruppukkottai Taluk to Coimbatore for attending each and every hearing of the case. Further, the respondent has to attend the trial of D.V.O.P. No. 13 of 2017 which is pending on the file of the learned Judicial Magistrate, Aruppukkottai. Hence, no prejudice will be caused to the respondent on transferring the HMOP case. Therefore, she has come forward with the present petition for transfer.



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 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 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 II Additional Sub-Judge, Coimbatore is directed to transmit the entire records in H.M.O.P.No. 212 of 2017 to the file of the Sub-Court, Auppukkottai within a period of two weeks from the date of receipt of copy of this order.

- The learned Sub-Judge, Aruppukkottai, after obtaining the records on transfer, is directed to dispose of the H.M.O.P., within a period of four months thereafter, in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional Subordinate Judge,
Coimbatore.

2. The Subordinate Judge,
The Sub-Court,
Aruppukkottai.

+1CC to Mr.P.Ganapathi Subramanian, Advocate, SR.No.67064

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