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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.523 of 2017

and

C.M.P (MD) No.11120 of 2017

S.Jeyanthi

... Petitioner

Vs.

J.Saravanan

... Respondent

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.90 of 2017 on the file of the Sub Judge, Karur and transfer to the file of Sub Judge, Veda sunthur, Dindigul District.

For Petitioner : Mr.R.Sevugaraja

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.90 of 2017, from the file of the Sub Court, Karur to the Sub Court, Veda sunthur, Dindigul District.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 05.09.2003, at Lakshmi Marriage Hall, Aravakurichi. After marriage, both of them lived happily for quite some period at Aravakurichi. Thereafter, at the instance of the respondent, for his business purposes, they shifted to Kerala and again, shifted back to Aravakurichi. Thereafter, according to the petitioner, the respondent and his family started harassing and demanding dowry from the petitioner. Therefore, she has left the matrimonial house and has filed H.M.O.P.No.37 of 2017 seeking restitution of conjugal rights, before Sub Court, Veda sunthur 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.90 of 2017 seeking divorce before the Sub Court, Karur. The learned Counsel for the petitioner would further submit that as the petitioner is residing at her parental home along with her parents, it is very difficult for the petitioner to travel to Karur for attending each and every hearing of the case in H.M.O.P.No.90 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 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 Subordinate Judge, Karur, is directed to transmit the entire records in H.M.O.P.No.90 of 2017 to the file of the Sub Court, Veda-sunthur, Dindigul District within a period of two weeks from the date of receipt of copy of this order, who shall try both H.M.O.P.Nos.37 & 90 of 2017 together and dispose of the same, as expeditiously as possible, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Karur.
2. The Subordinate Judge,
Veda-sunthur, Dindigul District.

GK

VB/SKN/RSK/SAR4/21.03.2018/2P/3C

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