



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.540 of 2017

and

C.M.P (MD) No.11757 of 2017

Geetha @ Geethalakshmi

... Petitioner/Respondent

Vs.

Mahesh @ Muthuselvan

... 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.256 of 2017 from the file of the Sub Court, Nagappatinam and transfer the same to the file of Family Court, Trichy.

For Petitioner

: Mr.R.Subramanian

For Respondent

: Mr.M.Mahaboob Athiff

for M/s. Ajmal Associates

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.256 of 2017, from the file of Subordinate Court, Nagappatinam 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 01.02.2009 and their matrimonial home was set up at No.2/10, Vaaniya Street, Anthanapettai, Nagappattinam. After marriage, both of them took medical test and the Doctors had advised the respondent to take certain medicines. Instead of following the same, the respondent along with his family members, started blaming and harassing the petitioner. During the month of November 2016, the petitioner along with her husband had came down to her parents house at Trichy for attending a funeral, where, the respondent has left the petitioner and did not took her back.

3. In the meantime, the respondent has issued a legal notice, followed by which, he has filed a petition in H.M.O.P.No.256 of 2017 seeking divorce before the Subordinate Court, Nagappatinam, on the ground of desertion and cruelty. The learned Counsel for the petitioner contended that it is very difficult for the petitioner to travel about 9 hours, from Trichy to Nagapattinam for attending each and every hearing of the case. Moreover, she is also depending upon her parents for all her financial needs and



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 showed his objections for transferring the case, as prayed for by the petitioner.

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

6. 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)**. I am inclined to allow this Transfer Civil Miscellaneous Petition.

7. Accordingly, this petition is allowed. The learned Subordinate Judge, Nagappatinam is directed to transmit the entire records in H.M.O.P.No.256 of 2017 to the file of the Family Court, Trichy within a period of two weeks from the date of receipt of copy of this order, who, in turn, shall 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-III)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Court, Nagappatinam.

2.The Family Court, Trichy.

+1cc to M/s. Ajmal Associates, Sr.No.46683

+1cc to Mr.R.Subramanian, Advocate Sr.No.46482

GK

VB/JC/SAR4/21.02.2018/2P/5C

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