



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .No.541 of 2017

and

C.M.P(MD)No.11808 of 2017

N.Nithya ... Petitioner/Respondent
Vs.
T.Karmegam ... 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.41 of 2014 on the file of the learned Subordinate Court, Vedaesendur and transfer the same to the Court of Sub Court, Trichy or Family Court, Trichy.

For Petitioner : Mr.M.Jeyaraman

For Respondent : Mr.M.Gnanagurunathan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.41 of 2014, from the file of Subordinate Court, Vedaesendur to the Sub Court, Trichy or 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 02.11.2011 at Nagaya Kottai Village, Thiruvalluvar Nagar, New Road Marriage Hall. At the time of marriage, 4 sovereign of gold jewels and Rs.1,00,000/- cash and household articles were given to the respondent as dowry. After marriage, both of them lived happily at Thiruvalluvar Nagar, Nagaya Kottai Village. After four months, 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 left the respondent's house and came to her grandmother's house at Valluvapatty, Trichy District. Thereafter, she lodged a complaint before the All Women Police Station, Vada Madurai against the respondent in Criminal Case No.30 of 2015 and the same is pending.



3. In the meantime, the respondent filed a petition in H.M.O.P.No.41 of 2014 seeking divorce before the Subordinate Court, Vendasur. The learned Counsel for the petitioner contended that it is very difficult for the petitioner to travel about 80 kms from Valluvapatty to Vendasur for attending each and every hearing of the case. The petitioner is also depending upon her grandmother 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 he would submit that the respondent has no objection for transferring the case, however he prays for early disposal of the H.M.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. 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 with the following directions:

- The learned Subordinate Judge, Vendasur is directed to transmit the entire records in H.M.O.P.No.41 of 2014 to the file of the Family Court, Trichy within a period of two weeks from the date of receipt of copy of this order.
- The learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.41 of 2014, within a period of six months from the date of receipt of a copy of this order, in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.11808 of 2017 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Subordinate Court, Veda sendur.

2.The Family Court, Trichy.

+1cc to Mr.M.Jeyaraman,Advocate Sr.No.44447

+1cc to Mr.M.Gnanagurunathan, Advocate Sr.No.45086

GK

VB/MR/SAR3/15.02.2018/3P/5C

**TR. C.M.P (MD) .No.541 of 2017
and
C.M.P (MD) No.11808 of 2017
29.01.2018**