

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.841 of 2019

and C.M.P.No.23110 of 2019

G.Arthi ... Petitioner/Respondent

Vs.

S.Saravana Prabhu ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P No.3 of 2018 on the file of the Sub Court, Mettur and the same may be transfer to the Sub Court, Harur.

For Petitioner : M/s.S.Agalya  
For Respondent : Mr.A.Dawood Hussain

ORDER

The petitioner has filed this petition, seeking transfer of H.M.O.P No.3 of 2018, pending before the Sub Court, Mettur and transfer the same to the Sub Court, Harur.

2. The petitioner is the wife and the respondent is the husband. The case of the petitioner is that she got married to the respondent on 11.07.2016, as per Hindu rites and customs at Arulmighu Pasupatheeswaran Thirukoil, Mecheri Village Mettur Taluk, Salem District. The petitioner was working as a Village Administrative Officer at Thorapalli Village, Sulagiri Taluk Krishnagiri District. At the time of marriage, both of them made an agreement to transfer their respective jobs and set up residence at Hosur, later the respondent refused to satisfy the agreement. The petitioner's family had borne the marriage expenses upto Rs.75,000/- and gave 'sridana articles'. The entire family expenses were handled by the petitioner's earnings. Further that, the respondent ill-treated, harassed and humiliated the petitioner by demanding dowry. The respondent never spent any expenses for her. The attitude of the respondent is worsen and he picked quarrel and assaulted her. Further that, the respondent filed the Divorce petition in H.M.O.P.No.3 of 2018 on the file of the learned Sub Court, Mettur. Therefore, the petitioner prays for transferring H.M.O.P.No.3 of 2018 pending before the Sub-Court, Mettur to the Sub-Court, Harur.

3.It is the case of the respondent/husband that he has filed H.M.O.P.No.3 of 2018 for divorce before the Sub Court,

Mettur, stating that the petitioner/wife was not at all interested in this marriage and refused to live a matrimonial life with the respondent.

4.The learned counsel for the petitioner submitted that since the petitioner was working as a Village Administrative Officer at Harur, it will be very difficult for her to attend the Court Proceedings at Mettur. She is a revenue officer and has to attend various meetings and other fiscal works and it will be difficult for her to travel from Pasarapatti village to Mettur. Hence, she seeks for transferring H.M.O.P.No.3 of 2018 pending before the Sub-Court, Mettur to the Sub-Court, Harur.

5.The learned counsel for the respondent raised objection for transferring the same and seeks for co-operation by the petitioner.

6. Heard the learned counsel for the petitioner and the respondent and perused the materials available on records.

7.On perusing the records, it is seen that the respondent has filed a petition for divorce in H.M.O.P No.3 of 2018, pending before the Sub-Court, Mettur. Since, the petitioner/wife is residing at Dharmapuri District, it will be reasonable and convenient for her, if the case is transferred to the Sub Court, Harur.

8. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in 2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta] and AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another].

9. Hence, in view of the above facts and circumstances and taking note of the decisions laid down by the Hon'ble Supreme Court cited supra, this Court is of the view that H.M.O.P No.3 of 2018, filed by the respondent, which is pending before the Sub Court, Mettur shall be withdrawn and transferred to the Sub Court, Harur.

10. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P No.3 of 2018, pending before the Sub-Court, Mettur is withdrawn and transferred to the Subordinate Court, Harur. No costs. Consequently, connected Civil Miscellaneous Petition is Closed.

Sd/-

Assistant Registrar (CS-VIII)

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To

1. The Sub Court,  
Mettur.
2. The Sub Court,  
Harur.

+1cc to Mr.S.Agalya, Advocate, S.R.No.95347

SSD(CO)  
GN(08/01/2020)

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