



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.CMP(MD)No.100 of 2019

and

CMP(MD)No.2261 of 2019

Venkadalakshmi ... Petitioner/Respondents

vs.

Ganesh ... Respondent/Petitioner

Prayer: Petition filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP.No.273 of 2018 on the file of the Honourable Family Court, Sivagangai, and transfer to the Honourable Family Court, Thoothukudi.

For Petitioner : Ms.Lakshmi Gopinathan for
M/s.Polax Legal Solutions
For Respondent : No appearance

ORDER

This petition has been filed for a direction to transfer HMOP.No.273 of 2018 from the Family Court, Sivagangai, to the Family Court, Thoothukudi.

2.Learned counsel for the petitioner would aver among other things that the marriage between the petitioner and respondent was solemnized on 07.02.2011 and in the wedlock, a female child was born to them. Due to misunderstanding, they are living separately. While so, the respondent filed the above HMOP for divorce. The petitioner filed MC.No.32 of 2018 before the Chief Judicial Magistrate Court, Tuticorin, for maintenance. Learned counsel further submitted that she is finding it difficult to travel along with child from Thoothukudi to Sivagangai, to attend every hearing of the above HMOP. Therefore, the petitioner has filed this transfer petition.

3.Depite service of notice, there is no appearance on behalf of the respondent either by himself or through counsel and therefore, this Court is inclined to pass orders on merits.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Heard the learned counsel for the petitioner and perused

the materials available on record.

5. The Hon'ble Supreme Court in the judgment reported in **2008 (9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, has held that convenience of woman is to be taken into consideration first while considering transfer application. In view of the above, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed with the following directions:-

i) The learned Judge, Family Court, Sivagangai, is directed to transmit the entire records in HMOP.No.273 of 2018 to the file of the Family Court, Thoothukudi, within a period of two weeks from the date of receipt of copy of this order.

ii) On receipt of the case papers in HMOP.No.273 of 2018, the learned Judge, Family Court, Thoothukudi, is directed to dispose of the same on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of records.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1) The Judge,
Family Court,
Thoothukudi.

2) The Judge,
Family Court,
Sivagangai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-61073[F] dated 15/04/2019)

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