



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.CMP(MD)No.106 of 2019
and
CMP(MD)No.2369 of 2019

R.M.Murugeswari

... Petitioner/Respondent

vs.

K.Shiva @ Shivaraman

... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP.No.4428 of 2018 pending on the file of the Hon'ble 5th Additional Family Court, Chennai and transfer the same to Family Court, Srivilliputtur or any other Court at Srivilliputtur, Virudhunagar District.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondent : Mr.A.Jayarama Chandran

ORDER

This petition has been filed for a direction to transfer H.M.O.P.No.4428 of 2018 from the 5th Additional Family Court, Chennai, to the Family Court, Srivilliputtur.

2.Learned counsel for the petitioner would aver among other things that the marriage between the petitioner and respondent was solemnized on 09.03.2017. Due to misunderstanding, they are living separately. While so, the respondent filed the above HMOP for divorce. Learned counsel further submitted that the petitioner is residing at Sivakasi, Virudhunagar District at her parental home and she being unemployed and dependent on her parents, is finding it difficult to travel to Chennai, to attend every hearing of the above HMOP. Therefore, the petitioner has filed this transfer petition.

3.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 at the time of considering transfer applications.

4.Learned counsel for the respondent would state that since the respondent is facing threat from the petitioner, Madurai will be convenient for the petitioner as well as the respondent and prayed for transfer of the case to the Family Court, Madurai, for which, learned counsel for the petitioner did not have any objection.

Accordingly, this petition is allowed with the following directions:-

i) The learned Judge, Vth Additional Family Court, Chennai, is directed to transmit the entire records in H.M.O.P.No.4428 of 2018 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order.

ii) On receipt of the case papers in H.M.O.P.No.4428 of 2018, the learned Judge, Family Court, Madurai, 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 (AD I)

// True Copy //

Sub Assistant Registrar (CS)

To

1) The Judge,
Vth Additional Family Court,
Chennai.

2) The Judge,
Family Court,
Madurai.

+1cc to Mr.P.T.RAMESH RAJA, Advocate, SR.No. 58431

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BALA
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