



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2019

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

TR.C.M.P(MD)No.150 of 2019
and
C.M.P(MD)No.3212 of 2019

Raja Rajeswari

... Petitioner / Respondent

Vs.

Selvakumar

... Respondent / Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw M.O.P.No.147 of 2018 pending before the Subordinate Judge, Hosur and transfer the same to the Sub Court, Tenkasi.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.M.Karthikeya Venkitachalapathy

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of M.O.P.No.147 of 2018, from the file of the Sub Court, Hosur, to the file of the Sub Court, Tenkasi.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 27.11.2009. After marriage, both of them lived happily for some time and they blessed with two female children. Later, due to misunderstanding, the respondent herein / husband of the petitioner has filed M.O.P.No.147 of 2018 before the Sub Court, Hosur, seeking divorce with the false allegations. It is further stated that a petition, filed under Section 12 of Domestic Violence Act, in D.V.C.No.1 of 2019, is pending before the Judicial Magistrate Court, Tenkasi. The grievance of the petitioner is that the respondent being a resident of Hosur has filed the above divorce petition at the Sub Court, Hosur, whereas the petitioner is residing at Tenkasi along with her aged parents and her children and it is very difficult for her to travel about 500 kms from Tenkasi to Hosur for attending each and every hearing of the case.

3. The learned counsel for the petitioner reiterated the averments made in the petition. He further stated that since the



domestic violence case is pending, there may be a life threat to the petitioner from the side of the respondent and his family members during the time of attending the Court proceedings at Hosur.

4. The learned Counsel for the respondent has no objection to the grant of relief as prayed for by the petitioner.

5. Heard the learned counsel for the petitioner as well as 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. 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 application. In view of the above, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Subordinate Judge, Hosur, is directed to transmit the entire records in M.O.P.No.147 of 2018 to the file of the Sub Court, Tenkasi, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Sub Judge, Tenkasi, after obtaining the records on transfer, is directed to dispose of M.O.P.No.147 of 2018 on merits and in accordance with law, as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Subordinate Judge,
Hosur.

2.The Subordinate Judge,

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

Tirunelveli District.



+1 CC to M/s.S.KUMAR, Advocate (SR-62058[F] dated 24/04/2019)

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-62206[F] dated 24/04/2019)

PJL

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**ORDER MADE IN
TR.C.M.P (MD) .No.150 of 2019
24.04.2019**

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