



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P (MD) No.159 of 2019

and

C.M.P (MD) No.3422 of 2019

Philomina Angelin .. Petitioner / Respondent

Vs.

T.S.Sam Dhas .. Respondent / Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw I.D.O.P.No.45 of 2018 pending before the Principal District Court, Tiruchirappalli and transfer the same to the file of the Principal District Court, Tuticorin.

For Petitioner : Mr.T.Chandrasekaran

For Respondent : Mr.H.Arumugam

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of I.D.O.P.No.45 of 2018, from the file of the Principal District Court, Tiruchirappalli, to the file of the Principal District Court, Tuticorin.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 17.01.2000. After marriage, both of them lived happily for some time and they blessed with two male children and they are now aged about 18 years and 11 ½ years, respectively. Later, due to misunderstanding, the respondent herein / husband of the petitioner has filed I.D.O.P.No.45 of 2018 before the Principal District Court, Tiruchirappalli, seeking divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Kanyakumari District has filed the above divorce petition at the Principal District Court, Tiruchirappalli, whereas the petitioner is residing at Tuticorin, along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel about 273 kms from Tuticorin to Tiruchirappalli for attending each and every hearing of the case.

<https://hcservices.ecourts.gov.in/hcservices> 3. The learned counsel for the petitioner reiterated the averments made in the petition.



4. The learned Counsel for the respondent would vehemently oppose to the grant of relief. However, he would submit that in the event of allowing this petition, this Court may direct the Court below to dispose of the case within a stipulated time.

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. 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 Principal District Judge, Tiruchirappalli, is directed to transmit the entire records in I.D.O.P.No.45 of 2018 to the file of the Principal District Court, Tuticorin, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Principal District Judge, Tuticorin, after obtaining the records on transfer, is directed to dispose of I.D.O.P.No.45 of 2018, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal District Judge,
Tiruchirappalli.

2. The Principal District Judge,
Tuticorin.

+1cc to Mr.F.DEEPAK, Advocate, SR.No.64235

+1cc to Mr.H.ARUMUGAM, Advocate, SR.No.64861

ORDER MADE IN

TR.C.M.P(MD).No.159 of 2019

30.04.2019