



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P(MD)No.29 of 2019

and

C.M.P(MD)No.891 of 2019

Vairaselvi

... Petitioner/Respondent

Vs.

P.Sangiliraj

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw H.M.O.P.No.204 of 2018 pending before the Sub Court, Uthamapalayam and transfer the same to the file of the Family Court, Srivilliputtur.

For Petitioner : Mr.A.John Vincent

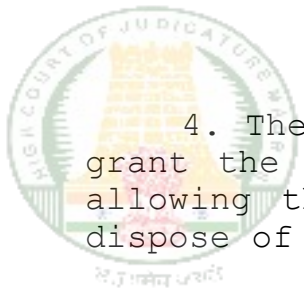
For Respondent : Mr.S.Muniyandi

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.204 of 2018 from the file of the Subordinate Court, Uthamapalayam to the file of the Family Court, Srivilliputtur.

2.It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 06.02.2017. After marriage, both of them lived happily for some time. Later, due to misunderstanding, the respondent herein / husband of the petitioner has filed H.M.O.P.No.204 of 2018 seeking divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Chinnamanur, Uthamapalayam Taluk has filed the above divorce petition on the file of the Subordinate Court, Uthamapalayam, whereas the petitioner is residing at Sundarajarajpuram, Rajapalayam Taluk, along with her aged grandmother and she has no wherewithal and it is very difficult for her to travel about 144 kms from Rajapalayam to Uthamapalayam 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 vehemently opposed to grant the 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 while 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, Uthamapalayam is directed to transmit the entire records in H.M.O.P.No.204 of 2018 to the file of the Family Court, Srivilliputtur, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Srivilliputtur, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.204 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(Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Subordinate Judge, Uthamapalayam.

2. The Family Court Judge, Srivilliputtur.

+1 CC to M/s.S.MUNIYANDI, Advocate in SR-63645

TR.C.M.P (MD) No.29 of 2019
26.04.2019