



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**TR.CMP(MD)No.57 of 2019
and
CMP(MD)No.1536 of 2019**

Jenny Rose

... Petitioner

vs.

Hendry Prasanna

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the IDOP.No.60 of 2018 on the file of the Family Court, Cuddalore, and transfer to Family Court, Trichirappalli.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.R.Senthil Kumar

ORDER

This petition has been filed for a direction to transfer IDOP.No.60 of 2018 from the Family Court, Cuddalore, to the Family Court, Trichirappalli.

2.Learned counsel for the petitioner would aver among other things that the marriage between the petitioner and respondent was solemnized on 03.02.2016 according to Christian rites and customs and in the wedlock, a male child was born on 12.11.2017. Due to misunderstanding, they are living separately. While so, the respondent filed the above IDOP for divorce. Learned counsel further submitted that the petitioner is residing at her parental home and depending on her parents for livelihood. Hence, she is finding it difficult to travel from Trichy to Cuddalore, to attend every hearing of IDOP. Therefore, the petitioner has filed this transfer petition.

3.Learned counsel for the respondent would object for transfer and if this Court is inclined to order for transfer, he would pray for early disposal of IDOP.

4.Heard the learned counsel for the petitioner as well as the respondent 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, Cuddalore, is directed to transmit the entire records in IDOP.No.60 of 2018 to the file of the Family Court, Tiruchirappalli, within a period of two weeks from the date of receipt of copy of this order.

ii)On receipt of the case papers in IDOP.No.60 of 2018, the learned Judge, Family Court, Tiruchirappalli, 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(P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1)The Judge,
Family Court,
Cuddalore.

2)The Judge,
Famiy Court,
Tiruchirappalli.

+1 CC to M/s.V.ILLANCHEZIAN, Advocate in SR-61414

TR.CMP (MD) No.57 of 2019
15.04.2019

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