



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.C.M.P (MD) No.74 of 2019  
and  
C.M.P (MD) No.1751 of 2019

Saranya ... Petitioner / Respondent

Vs.

Suresh ... 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.549 of 2018 pending before the Family Court, Madurai and transfer the same to the Family Court, Thanjavur.

For Petitioner : Mr.R.Rangarajan

For Respondent : No appearance

#### ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.549 of 2018, from the file of the Family Court, Madurai, to the file of the Family Court, Thanjavur.

2. It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 23.01.2017. 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.549 of 2018 before the Family Court, Madurai, seeking divorce with the false allegations. It is further stated that a petition filed under Domestic Violence Act in D.V.C.No.3 of 2018 is pending before the Judicial Magistrate Court, Thiruvaiyaur, Thanjavur District. The grievance of the petitioner is that the respondent being a resident of Madurai has filed the above divorce petition at the Family Court, Madurai, whereas the petitioner is residing at Thanjavur along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel about 189 kms from Thanjavur to Madurai for attending each and every hearing of the case.

3. The learned counsel for the petitioner reiterated the averments made in the petition.



4. Despite notice being served on the respondent and his name is being printed in the cause list, there is no representation on behalf of the respondent either in person or through Counsel.

5. Heard the learned counsel for the petitioner 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 Judge, Family Court, Madurai, is directed to transmit the entire records in H.M.O.P.No.549 of 2018 to the file of the Family Court, Thanjavur, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Thanjavur, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.549 of 2018 on merits and in accordance with law, as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar(CS )

To,

1.The Judge, Family Court, Madurai.

2.The Judge, Family Court, Thanjavur.

+1 CC to M/s.R.RENGARAJAN, Advocate ( SR-62981[F] dated 26/04/2019

**TR.C.M.P(MD) .No.74 of 2019**

SP:06/05/2019/2P/4C