



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2019

CORAM

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

TR.C.M.P(MD)No.84 of 2019

and

C.M.P(MD)No.2024 of 2019

Deepa

... Petitioner/ Respondent

Vs.

Santhoshkumar

... 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.222 of 2018 pending before the Sub Court, Udumalaipettai and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.T.Vadivelan

For Respondent : Mr.A.Vadivelu

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.222 of 2018, from the file of the Sub Court, Udumalaipettai, to the file of the Family Court, Trichy.

2.It is stated in the petition that the marriage between the petitioner and the respondent was solemnized on 10.12.2012. 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.222 of 2018 seeking divorce with the false allegations. The grievance of the petitioner is that the respondent being a resident of Udumalaipettai, has filed the above divorce petition at the Sub Court, Udumalaipettai, whereas the petitioner is residing at Srirengam, Thiruvanaikovil, Trichy District, along with her aged parents and as she is depending upon her aged parents, it is very difficult for her to travel about 200 kms from Srirengam, Thiruvanaikovil, Trichy District, to Udumalaipettai, for attending each and every hearing of the case.

3.The learned counsel for the petitioner reiterated the <https://hcservices.mca.gov.in/hcservices/hcservices.html> in the petition.

4.Despite the respondent entered appearance through counsel,



there is no representation on behalf of the respondent.

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 Subordinate Judge, Udumalaipettai is directed to transmit the entire records in H.M.O.P.No.222 of 2018 to the file of the Family Court, Trichy, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.222 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

To

1. The Subordinate Judge, Udumalaipettai.
2. The Judge,
Family Court, Trichy.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-57475[F] dated 28/03/2019)
smn

AE/09.04.2019/2P/4C

ORDER MADE IN
TR.C.M.P (MD) No.84 of 2019
and
C.M.P (MD) No.2024 of 2019
28.03.2019