



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.97 of 2019

and

C.M.P(MD)No.2225 of 2019

S.Girija

... Petitioner/Respondent/Wife

Vs.

V.Senthilkumar

... Respondent/Petitioner/Husband

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the case in H.M.O.P.No.116 of 2018 pending on the file of the Principal Subordinate Court, Dindigul and to transfer the same to the file of the Subordinate Court, Kulithalai, Karur District.

For petitioner : Mr.A.P.Muthupandian

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.116 of 2018 from the file of the Principal Subordinate Court, Dindigul to the file of the Subordinate Court, Kulithalai, Karur District.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 01.09.2011. After marriage, both of them lived happily for some time and they blessed with a female child on 05.09.2012 and a male child on 08.09.2018. Later, due to misunderstanding, the respondent herein / husband of the petitioner filed a petition in H.M.O.P.No.116 of 2018 on the file of the Principal Subordinate Court, Dindigul, for restitution of conjugal rights, though the petitioner was ready for reunion. The grievance of the petitioner is that the respondent is the resident of Dindigul and hence, he has filed the above petition on the file of the Principal Subordinate Court, Dindigul, whereas the petitioner is residing at Musiri Taluk, Trichy District, along with her aged parents and as she is depending upon her aged parents and she has to take care of her children, it is very difficult for her to travel about 110 kms from Musiri to Dindigul, along with her children, for attending each and every hearing of the case. Thus, he prayed to allow this petition.

<https://hcservices.courts.gov.in/hcservices/> You have notice served and name is printed in the cause list, the respondent did not appear either in person or through any counsel.



4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. I am satisfied with the reasons stated by the petitioner. In the decision of the Hon'ble Supreme Court reported in **2008 (9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, it has been held that convenience of woman is to be taken into consideration first while considering transfer application. In view of the above, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Principal Subordinate Judge, Dindigul, is directed to transmit the entire records in H.M.O.P.No.116 of 2018 to the file of the Subordinate Court, Kulithalai, Karur District, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Subordinate Judge, Kulithalai, Karur District, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.116 of 2018 on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

gcg
To

1.The Principal Subordinate Judge, Dindigul.

2.The Subordinate Judge,
Kulithalai, Karur District.

TR. C.M.P (MD) .No.97 of 2019
26.04.2019

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