



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.CMP(MD)No.254 of 2018

and

CMP(MD)No.6417 of 2018

J.Latha

... Petitioner/Respondent

vs.

S.Senathi Raja

... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.114 of 2018 from the file of the learned Principal Subordinate Judge Court, Thanjavur to the file of learned Sub Court, Valliyoor, Tirunelveli District.

For Petitioner : Mr.S.R.Anbarasu

For Respondent : Mr.C.Suresh Kannan

ORDER

This petition has been filed for a direction to transfer H.M.O.P.No.114 of 2018 from the Principal Sub Court, Thanjavur, to the Sub Court, Valliyoor, Tirunelveli District.

2.Learned counsel for the petitioner would aver among other things that the marriage between the petitioner and respondent was solemnized on 22.10.2007. Due to misunderstanding, they are living separately. While so, the respondent filed HMOP.No.114 of 2018 before the Principal Sub Court, Thanjavur, for divorce. Learned counsel further submitted that the petitioner is working as Tutor/Assistant Professor of Pathology at Kanyakumari Medical College, Kanyakumari, and she is finding it difficult to travel to Thanjavur to attend every hearing of H.M.O.P.No.114 of 2018. Therefore, the petitioner has filed this transfer petition.

3.Learned counsel for the respondent did not have any objection for allowing this petition, but would pray for early disposal of the HMOP.

4.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 applications. Hence, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Principal Sub Court, Thanjavur, is directed to transmit the entire records in H.M.O.P.No.114 of 2018 to the file of the Sub Court, Valliyoor, Tirunelveli District, within a period of two weeks from the date of receipt of copy of this order.

ii) On receipt of the case papers in H.M.O.P.No.114 of 2018, the learned Judge, Sub Court, Valliyoor, Tirunelveli District, is directed to dispose of the above HMOP 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 (ADI)

/True Copy/

Sub Assistant Registrar

To

1) The Judge,
Sub Court,
Valliyoor,
Tirunelveli District.

2) The Principal Subordinate Judge,
Thanjavur.

+1 CC to M/s.C.SURESH KANNAN, Advocate SR-55599

+1 CC to M/s.S.R.ANBARASU, Advocate SR-55992

TR.CMP (MD) No.254 of 2018
21.03.2019

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SP/PK/03.04.2019 : 2P/5C