



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.CMP (MD) No.469 of 2018
and
CMP (MD) No.10910 of 2018

Sangeetha

... Petitioner

vs.

K.Ravikumar

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the proceedings in HMOP.No.569/2018 on the file of Sub Court, Poonamalle to the Principal Sub Court, Dindigul in accordance with law.

For Petitioner : Mr.B.Dhanapandiyan

For Respondent : Ms.D.Uma Devi

ORDER

This petition has been filed for a direction to transfer HMOP.No.569/2018 from the Sub Court, Poonamalle to the Principal Sub Court, Dindigul.

2.Learned counsel for the petitioner would aver among other things that the marriage between the petitioner and respondent was solemnized on 25.10.2009. Due to misunderstanding, they are living separately. While so, the respondent filed HMOP.No.569 of 2018 before the Sub Court, Poonamalle, for divorce. Learned counsel further submitted that the petitioner is residing at Palayankottai, Authur Taluk, Dindigul District and she is finding it difficult to travel to Poonamalle to attend every hearing of the above HMOP. Therefore, the petitioner has filed this transfer petition.

3.The respondent filed counter. Learned counsel for the respondent would object to the transfer stating that the respondent is working in a lathe near Padi in Chennai on daily wages and therefore, he is unable to travel from Chennai to Dindigul frequently, if the case is transferred. He would also submit that if the Court is inclined to transfer the case, he would pray for early disposal of the case.

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, Sub Court, Poonamalle, is directed to transmit the entire records in H.M.O.P.No.569 of 2018 to the file of the Principal Sub Court, Dindigul, 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.569 of 2018, the learned Judge, Principal Sub Court, Dindigul, 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 in HMOP.No.569 of 2018.

No costs. Consequently, connected miscellaneous petition is closed.

sd/

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1) The Judge,
Principal Sub Court, Dindigul,

2) The Judge,
Sub Court, Poonamalle.

+1 CC to M/s.D.UMA DEVI, Advocate (SR-56986[F] dated 27/03/2019)

+1 CC to Mr.B.DHANAPANDIAN, Advocate (SR-56915[F] dated 27/03/2019)

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AE/09.04.2019/2P/5C

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