



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .No.531 of 2018

and

C.M.P(MD)No.12349 of 2018

Sebasti Kalaiarasi

... Petitioner/Respondent

Vs.

Daniel Raja

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the HMOP Act, 1908, praying to withdraw the I.D.O.P.No.20 of 2018 pending on the file of the District Court, Srivilliputhur and to transfer the same to the file of the competent District Court, Chennai.

For petitioner : Mr.S.Vellaichamy

For respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of I.D.O.P.No.20 of 2018 from the file of the District Court, Srivilliputhur, Virudhunagar District to the file of the competent District Court, Chennai.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 21.10.2012. After marriage, both of them lived happily for some time and they blessed with two male child. Later, the respondent herein / husband of the petitioner filed a petition in I.D.O.P.No.20 of 2018 on the file of the District Court, Srivilliputhur, seeking divorce with the false allegations. The grievance of the petitioner is that the respondent is the resident of Virudhunagar and hence, he has filed the above divorce petition on the file of the District Court, Srivilliputhur, whereas the petitioner is residing at Chennai, along with her two male child and as she is working at Chennai and she has to take care her children, it is very difficult for her to travel about 550 kms from Chennai to Srivilliputhur for attending each and every hearing of the case. Thus, he prayed to allow this petition.



3. Though notice served to the respondent, none appeared for the respondent.

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

5. Considering the submission of the learned counsel appearing for the petitioner and also considering the decision of the Hon'ble Supreme Court reported in **2008 (9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, wherein the Hon'ble Supreme Court has held that convenience of woman is to be taken into consideration first while considering transfer application, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned District Court, Srivilliputhur, is directed to transmit the entire records in I.D.O.P.No.20 of 2018 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Family Court Judge, Chennai, after obtaining the records on transfer, is directed to dispose of I.D.O.P.No.20 of 2019 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)

To

1.The Principal District Judge,
Virudhunagar @ Srivilliputhur.

2.The Judge ,Family Court,
Chennai.

+1cc to Mr.S.Vellaichamy, Advocate, SR.No.60860

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