



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD) .No.437 of 2018

and

C.M.P(MD)No.10229 of 2018

V.Siva Shankari

... Petitioner/Respondent/Wife

Vs.

Senthil Murugan

... 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.61 of 2018 pending on the file of the Family Court, Tirunelveli and to transfer the same to the file of the Subordinate Court, Tambaram, Kancheepuram District.

For petitioner : Mr.S.R.A.Ramachandran

For respondent : Mr.S.Satheesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner / wife seeking transfer of H.M.O.P.No.61 of 2018 from the file of the Family Court, Tirunelveli to the file of the Subordinate Court, Tambaram, Kancheepuram District.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 27.08.2015. After marriage, both of them lived happily for some time and they blessed with a male child and now the child is aged about 2 years. Later, due to misunderstanding, the respondent herein / husband of the petitioner filed a petition in H.M.O.P.No.61 of 2018 on the file of the Family Court, Tirunelveli, seeking divorce with false allegations. The grievance of the petitioner is that the respondent is the resident of Tirunelveli and hence, he has filed the above divorce petition on the file of the Family Court, Tirunelveli, whereas the petitioner is residing at Chennai, along with her aged parents and as she is depending upon her aged parents and she has to take care of her 2 years old child, it is very difficult for her to travel about 650



kms, from Chennai to Tirunelveli, along with the child, for attending each and every hearing of the case. Thus, he prayed to allow this petition.

3. The learned counsel for the respondent vehemently opposed to grant the relief. However, he would submit that in the event of allowing this petition, this Court may direct the Court below to dispose of the case within a stipulated time.

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

5. Earlier this matter was referred to Mediation and Conciliation Centre, attached to this Bench. But, the mediation could not succeed. 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 Family Court Judge, Tirunelveli, is directed to transmit the entire records in H.M.O.P.No.61 of 2018 to the file of the Subordinate Court, Tambaram, Kancheepuram District, within a period of two weeks from the date of receipt of copy of this order.

ii) The learned Subordinate Judge, Tambaram, Kancheepuram District, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.61 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 records.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

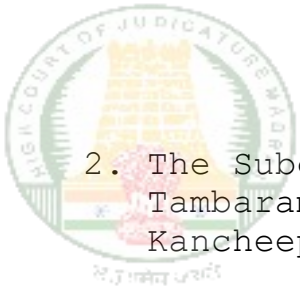
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Sub Assistant Registrar(CS)

To

<https://hcservices.hcjudgeservices/>

Family Court,
Tirunelveli.



2. The Subordinate Judge,
Tambaram,
Kancheepuram District.

+1 CC to Mr.S.SATHEESH KUMAR, Advocate (SR-63119[F] dated
26/04/2019)

+1 CC to Mr.S.R.A.RAMACHANDHRAN, Advocate (SR-63466[F] dated
27/04/2019)

TR. C.M.P (MD) .No.437 of 2018
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