



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P(MD)No.1865 of 2019 and

CMP(MD).No. 9565 of 2019

R. Sundar

... Petitioner/respondent

Vs.

Janaki @ Iswarya

.. Respondent / petitioner

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and executable order made in Tr.O.P.No.29 of 2019, dated 12.07.2019 on the file of the Principal Sessions Judge, Theni.

For Petitioner

: Mr. S. Chandrasekaran

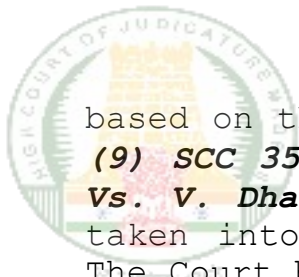
ORDER

This Civil Revision Petition has been filed against the order, dated 12.07.2019 made in Tr.O.P.No.29 of 2019, on the file of the learned Principal Sessions Judge, Theni.

2. The revision petitioner, who is the husband, has filed HMOP.No.54 of 2018, on the file of Sub Court, Periyakulam, for divorce. However, the respondent / wife filed HMOP.No. 216 of 2018, before the Sub Court, Theni, for Restitution of Conjugal Rights. The only contention raised by the revision petitioner is that he has filed HMOP.No.54 of 2018, for divorce, much earlier to the HMOP.No. 216 of 2018, filed by the respondent herein. Therefore, the Court below while considering the application for transfer, it should have considered the request of the revision petitioner to transfer the HMOP.No.216 of 2018 to Sub Court,, Periyakulam, but, the Court below transferred the HMOP.No.54 of 2018, to the Sub Court, Theni. He further submitted that in the event of this Court disposing of the Civil Revision Petition may be given a direction for early disposal of HMOPs.

3. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. The respondent / wife has filed HMOP.No. 216 of 2018, before the Sub Court, Theni, for Restitution of Conjugal rights. The revision petitioner filed HMOP.No. 54 of 2018, for divorce and the same was pending before the Sub Court, Periyakulam. The Court below after considering the facts and circumstances of the case,



based on the Judgment of the Hon'ble Supreme Court reported in **2008 (9) SCC 353 in the case between Arti Rani @ Pinki Devi and another Vs. V. Dharmendra Kumar Gupta**, hold that convenience of woman to be taken into consideration first while transferring the application. The Court below has rightly considered the above Judgment passed an order transferring the HMOP.No. 54 of 2018, Sub Court, Periyakulam to Sub Court, Theni, where the HMOP.NO. 216 of 2018 filed by the respondent / wife is pending. Therefore, this Court is of the view that there is no infirmity in the order passed by the Court below. Therefore, the Civil Revision Petition is liable to be dismissed and accordingly, dismissed.

5. However, this Court directs the Court below to dispose of said HMOPs, as expeditiously as possible, on merits and in accordance with law, in any event, not later than four months from the date of receipt of a copy of this order.

6. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal Sessions Judge, Theni.

+1 CC to M/s.S.CHANDRASEKARAN, Advocate (SR-92823[F]
dated 18/10/2019)
trp

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