



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P.(MD) No.537 of 2019

and

C.M.P.(MD) No.12482 of 2019

Yogapriya

... Petitioner/Respondent

vs.

D.Shanmugasundaram

... Respondent/Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in H.M.O.P.No.114 of 2019 on the file of the Principal Subordinate Judge, Thuraiyur to the file of the Family Court, Dindigul.

For Petitioner : Mr.A.Hariharan

For Respondent : Mr.D.S.Haroon Rasheed

ORDER

The petitioner / wife, who is facing proceedings for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, in H.M.O.P.No.114 of 2019 on the file of the Principal Subordinate Court, Thuraiyur seeks transfer of the same to the Family Court, Dindigul.

2. Transfer is sought for mainly on the ground of convenience of the wife. The husband who has launched the proceedings is admittedly a resident of Dubai. The wife is now said to be living with her parents at Dindigul. According to the wife, it will be difficult for her to prosecute the proceedings at Thuraiyur, since it is the native place of the husband and there has been several instances of bickering between the families in the past.

3. This request for transfer is opposed by the husband on the ground that his life will be endangered, if he is to go to Dindigul to conduct the proceedings. It is also stated that the father of the petitioner / wife is a Lawyer practicing at Dindigul. It is also claimed that a complaint has been lodged with the All Women



Police Station, Dindigul on 08.12.2019 by the wife accusing husband's parents on assault and they were forced to seek anticipatory bail before this Court.

4. Considering the nature of the allegations made in the complaint dated 08.02.2019, copy of which has also been produced along with this transfer petition, I am of the considered opinion that the climate at Dindigul will not be conducive for peaceful trial of the proceedings pending before the Sub Court, Thuraiyur. In any event, the husband has to come from Dubai to conduct the proceedings. If the proceedings are transferred to the Family Court, the appearance of the parties will be required for every hearing and it will be very difficult for the husband to prosecute the proceedings. When transfer is sought for on the ground of convenience, the convenience of the other spouse has also to be considered.

5. Considering the circumstances I am of the considered opinion that the proceedings can be transferred to any Court at Madurai, so that it will be convenient for the parties to conduct the proceedings in a peaceful manner. In view of the above, this transfer petition is allowed and H.M.O.P.No.114 of 2019 pending on the file of the Sub Court, Thuraiyur is withdrawn and transferred to the file of the Principal Sub Court, Madurai to be heard and disposed of in accordance with law. The Sub Court, Thuraiyur is directed to transmit the papers in H.M.O.P.No.114 of 2019 forth with to the Principal Sub Court, Madurai.

6. The learned counsel for the petitioner / wife seeks time limit for completion of the proceedings. Considering the said request, I direct the Principal Sub Court, Madurai to try and dispose of the proceedings as expeditiously as possible at any rate within a period of one year from the date of receipt of papers from the Sub Court, Thuraiyur. The parties are directed to cooperate with the Court in disposing of the case within the time frame stated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Subordinate Judge, Thuraiyur

2.The Principal Subordinate Judge, Madurai.

+1 CC to M/s.A.HARIHARAN, Advocate (SR-3941[F] dated 30/01/2020)

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-4010[F] dated 30/01/2020)

TR.C.M.P. (MD) No.537 of 2019
30.01.2020

JMN(17.02.2020) 3P : 5C