



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.113 of 2021

and

C.M.P. (MD)No.2271 of 2021

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K.Abirami

... Petitioner

-vs-

P.Soundarapandian

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the petition in HMOP No.1117 of 2021 on the file of the Sub Court, Alandur, Kanchipuram District and transfer the same to Family Court, Karur for the joint trial of the same along with HMOP No.3 of 2021 on the file of the Family Court, Karur.

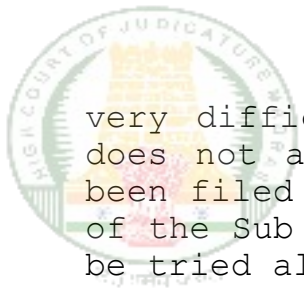
For Petitioner : Mr.S.Jayavel

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the petition in HMOP No.1117 of 2021 on the file of the Sub Court, Alandur, Kanchipuram District and transfer the same to Family Court, Karur for the joint trial of the same along with HMOP No.3 of 2021 on the file of the Family Court, Karur

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 01.12.2019 at Kodumudi as per the Hindu Satiric rites and custom of the community in the presence of the relatives , friends and other well wishers of the family. He would further submit that the petitioner was brought up at Karur and her family is living out of measly income from daily flower vending. After knowing the family financial condition of the petitioner marriage was arranged. The respondent is working in a multinational finance company. Later the respondents become disappointed over the economic status of the petitioner's family started harassing the petitioner and driven her out of the matrimonial home. The petitioner and her parents were under the fond hope that time will change the attitude of the respondent. However to the shock the respondent has filed HMOP No.202 of 2020 seeking for divorce on the filed alleging false allegations on the file of the Sub Court, Tamabaram. Later the case has been transferred to the file of the Sub Court, Alandur and re-numbered as HMOP No.1117 of 2021. The petitioner has also filed HMOP No. 3 of 2021 on the file of the Family Court, Karur seeking for restitution of conjugal rights. The petitioner is solely dependent upon her parents and only aged about 22 years and it is



very difficult for her to travel all the way to Chennai and she does not have any one to support her, thereby the present petition has been filed seeking for transfer of HMOP No. 1117 of 2021 on the file of the Sub Court, Alandur to the file of the Family Court, Karur to be tried along with HMOP No. 3 of 2021.

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3. Heard the learned counsel for the petitioner. Despite service of notice there is no representation for the respondent.

4. The Hon'ble Apex Court in the case of ***Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*** reported in (2016)14 SCC 356 has held that ***while deciding the transfer of matrimonial proceedings comparative hardship faced by the wife has to be taken into account***. Further in the case of ***Amitha Shah vs- Virendar Lal Shah***, the Hon'ble Supreme Court reported in (2003)10 SCC 609 has held that ***the convenience of the wife must be taken into account while deciding the petition for transfer***.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, HMOP No.1117 of 2021 is withdrawn from the file of Sub Court, Alandur and transferred to the file of Family Court, Karur to be tried along with HMOP No.3 of 2021, for disposal as per law. The Sub Court, Alandur is directed to transmit the papers to the file of the Family Court, Karur. The Family Court, Karur, is directed to dispose HMOP Nos.1117 of 2021 and 3 of 2021 on merits and in accordance with law as expeditiously as possible.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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To:

1. The Sub Court, Alandur
2. The Family Court, Karur

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RD(23.08.2021) 2P 3C

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