



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.09.2021

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Tr.CMP(MD)Nos.193 and 194 of 2021**  
**and**  
**CMP(MD)Nos.3721 and 3722 of 2021**

C.R.Suganya

... Petitioner in both petitions

-Vs-

Kamalraj

... Respondent in both petitions

**Prayer in Tr.CMP(MD)No.193 of 2021:** The Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the restitution of conjugal rights petition filed by the petitioner in H.M.O.P.No.828 of 2019 on the file of the Family Court, Madurai and to transfer the same to the file of the learned Sub Court, Paramakudi.

**Prayer in Tr.CMP(MD)No.194 of 2021:** The Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the restitution of conjugal rights petition filed by the petitioner in H.M.O.P.No.1275 of 2019 on the file of the Family Court, Madurai and to transfer the same to the file of the learned Sub Court, Paramakudi.

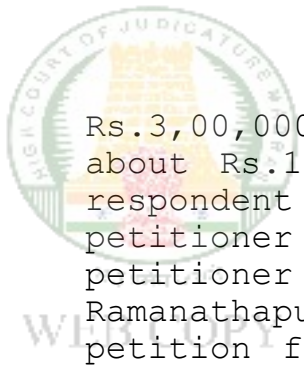
For Petitioner

(in both petitions) : Mr.K.R.Laxman

**COMMON ORDER**

These Transfer Civil Miscellaneous Petitions have been filed seeking to withdraw the above H.M.O.P.Nos.828 of 2019 and 1275 of 2019 from the file of Family Court, Madurai and transfer the same to the Sub Court, Paramakudi.

2.The learned counsel for the petitioner would submit that the petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 28.10.2012 at Kannan Mahal, Near Sri Thiruvappudaiyur Kovil, Kumaran Salai, Keelathoppu, Sellur, Madurai Town. At the time of marriage, the parents of the petitioner gave 55 sovereigns of gold jewels and



Rs.3,00,000/- as cash and other house hold articles which is worth about Rs.1,00,000/- to the respondent as dowry. Thereafter, the respondent harassed the petitioner demanding more dowry and the petitioner was driven out of the matrimonial home. Thereafter, the petitioner is living at her parental home at Paramakudi Town, Ramanathapuram District. However, on wrong advice, she had filed the petition for restitution of conjugal rights before the Courts at Madurai. Similarly, she had also filed a divorce petition in DVOP No.53 of 2019 before the learned Mahila Court, Madurai. Subsequently, due to the inconvenience of travelling from Paramakudi to Madurai, she had also filed a petition in Crl.O.P.(MD)No.5686 of 2021 seeking for transfer. This Court, by order dated 25.06.2021, had transferred the DVOP petition from the file of the Mahila Court, Madurai to the learned Judicial Magistrate, Paramakudi. Similarly, the present petition has been filed on the ground of inconvenience.

3.The learned counsel would further submit that the petitioner is living at the mercy of her parents, who are aged and she finds it difficult to travel from Paramakudi to Madurai to attend the Court. The learned counsel would further submit that in similar circumstances, the Hon'ble Apex Court taking into consideration of the inconvenience and the comparative hardship faced by the petitioner/wife, had directed to transfer the cases to be tried in Courts near to the petitioner. Thereby, the present petition has been filed seeking for transfer of the case to the Sub Court, Paramakudi.

4.Though notice was served on the respondent and his name is printed in the cause-list, there is no appearance on behalf of the respondent, either in person or through counsel.

5.The Hon'ble Apex Court in the case of ***Vaishali Shridhar Jagtap.vs. Shridhar Vishwanath Jagtap*** reported in ***(2016)14 SCC 356*** 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*** held that ***the convenience of the wife must be taken into account while deciding the petition for transfer.***

6.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, H.M.O.P.Nos.828 of 2019 and 1275 of 2019 are withdrawn from the file of Family Court, Madurai and transferred to the file of Sub Court, Paramakudi for disposal as per law. The Family Court, Madurai, is directed to transmit the papers to the file of the Sub Court, Paramakudi, forthwith. The Sub Court, Paramakudi is directed to dispose H.M.O.P.Nos.828 of 2019 and 1275 of 2019 on merits and in accordance with law as expeditiously as possible.



WEB COPY

**Tr.CMP(MD)Nos.193 and 194 of 2021**

6.In the result, these Transfer Civil Miscellaneous Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

To

1.The Family Court, Madurai.

2.The Sub Court, Paramakudi.

+2 CC to M/s.K.R.LAXMAN, Advocate ( SR-27850,SR-27851[F] dated 01/09/2021 )

**Tr.CMP(MD)Nos.193 and 194 of 2021**

**01.09.2021**

\_RD(17.09.2021) 3P 5C