



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.187 of 2020

and

C.M.P. (MD)No.3653 of 2021

WEB COPY

C.Revathy Chidambaram

... Petitioner

-vs-

K.Ram Balaji

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP No. 69 of 2020 pending on the file of the learned Subordinate Judge, Devakottai and transfer the same to the file of learned Subordinate Judge, Virudhunagar

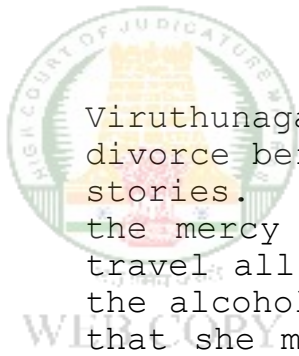
For Petitioner : Mr.M.Mohideen Basha

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No. 69 of 2020 pending on the file of the learned Subordinate Judge, Devakottai and transfer the same to the file of learned Subordinate Judge, Virudhunagar

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 03.07.2016 as per the Hindu rites and customs at the respondent's village, Kallal and during the time of marriage as per the demand of the respondent, cash of Rs.1 lakh and 40 sovereigns of gold jewels were given as dowry. Thereafter the petitioner and the respondent set up their matrimonial home at Karaikudi for one month and thereafter shifted their residence to Chennai. While they were living at Chennai the respondent got into alcoholic habit and used to come home in the late night in the drunken mood and caused physical violence and also injuries to the petitioner. Later the character of the respondent become bad to worse and that he also demanded more dowry and when the petitioner expressed her inability to pay more dowry he started harassing her and the petitioner was driven out of the matrimonial home. Since the respondent started demanding more dowry the petitioner has also given complaint against the respondent before the All Women Police Station,



Viruthunagar. Whiles, the respondent has filed a petition for divorce before the Sub Court, Devakottai stating false and concocted stories. He would further submit that the petitioner is now under the mercy of her aged parents and she finds it very difficult to travel all the way from Virudhunagar to Devakottai. Further due to the alcoholic habit of the respondent the petitioner also apprehends that she may be physically abused by the respondent if she attends the Court at Devakottai, thereby she seeks transfer of HMOP No. 69 of 2020 on the file of the learned Subordinate Judge, Devakottai to the file of learned Subordinate Judge, Virudhunagar.

3. Heard the learned counsel for the petitioner. Despite service of notice there is no representation for the respondent. This Court had directed the counsel for the petitioner to serve notice on the counsel for the respondent appearing for the trial Court. Notice served and the name of the lower court counsel printed in the cause list.

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. 69 of 2020 is withdrawn from the file of learned Subordinate Judge, Devakottai and transferred to the file of learned Subordinate Judge, Virudhunagar, for disposal as per law. The learned Subordinate Judge, Devakottai is directed to transmit the papers to the file of the learned Subordinate Judge, Virudhunagar. The learned Subordinate Judge, Virudhunagar, is directed to dispose HMOP No.69 of 2020 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 (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

aav



To

- 1.The Subordinate Judge, Virudhunagar
- 2.The Subordinate Judge, Devakottai

WEB COPY

Tr.C.M.P. (MD) No.187 of 2020
and

C.M.P. (MD) No.3653 of 2021
12.08.2021

MGJ (23/08/2021) 3P 3C