



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.10.2021

**CORAM:**

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

**Tr.C.M.P. (MD) No.284 of 2021**

**and**

**C.M.P(MD) No.6034 of 2021**

Priyadharshini

... Petitioner

Vs.

Pazhinikumar

... Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP No.72 of 2021 from the file of the Prinicipal Sub Court, Dindigul and transfer the same to the file of the Principal Sub Court, Pudukkottai.

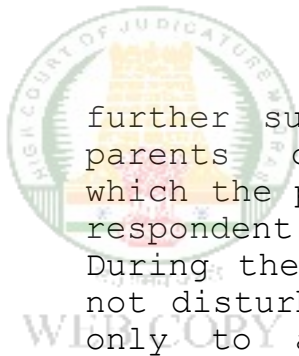
For Petitioner : Mr.Kripakaran  
for Mr.V.Johnson Yuvaraj

For Respondent : Mr. M.Gandhi

**O R D E R**

The present Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No.72 of 2021 from the file of the Prinicipal Sub Court, Dindigul and transfer the same to the file of the Principal Sub Court, Pudukkottai.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 04.06.2018 and at that time there was demand of dowry from the respondent and as such the parents of the petitioner has given 13 sovereigns of gold jewels, Rs. 5 lakhs cash, all electronics items, and household articles worth about Rs. 5 lakhs. Since the parents of the petitioner were unable to comply with the demand the respondent had changed his attitude towards her and started harassing her. During the relevant period, the petitioner also gave birth to a female child by name Lithikashree and the child is now aged about 2 years. The respondent did not take care of the petitioner and the respondent and inorder to avoid payment of maintenance and other compensation and the respondent has filed petition seeking for restitution of conjugal rights on the file of the Principal Sub Court, Dindigul . The learned counsel would



further submit that on earlier occasion the respondent and his parents came to the petitioner's village and created ruckus for which the parents of the petitioner had given complaint against the respondent and his family members and that enquiry was conducted. During the enquiry, the respondent and his parents that they will not disturb the petitioner. The real intention of the respondent is only to avoid payment of maintenance. Further the petitioner apprehends that if she attends the hearing at Dindigul she might be harassed. The learned counsel would further submit that in similar circumstances, the Hon'ble Apex Court taking into consideration the convenience 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, he seeks for transfer.

3. The learned counsel for the respondent would submit that he has no objection the case being transferred to the file of the Sub Court, Pudukottai.

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 in (2003)10 SCC 609 has held that **the convenience of the wife and moreso of the child 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 appearing on either sides H.M.O.P. No.72 of 2021 is withdrawn from the file of Principal Sub Court, Dindigul and transferred to the file of the Principal Sub Court, Pudukottai for disposal as per law. The Principal Sub Court, Dindigul , is directed to transmit the papers to the file of the Principal Sub Court, Pudukottai, forthwith. The Principal Sub Court, Pudukottai is directed to dispose transferred H.M.O.P. No. 72 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 closed.

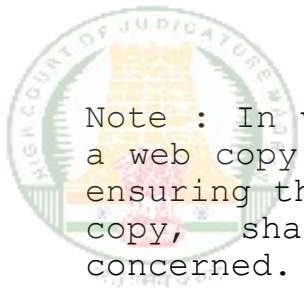
Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)



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- To:
- 1.The Principal Sub Court, Pudukottai
  - 2.The Principal Sub Court, Dindigul

**Tr.C.M.P. (MD) No.284 of 2021**  
**and**  
**C.M.P (MD) No.6034 of 2021**  
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RD/JGB (18.11.2021) 3P 3C