



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

TR CMP (MD)No.54 of 2021
and
CMP (MD)No.1102 of 2021

S.Annalakshmi

... Petitioner/Respondent

Vs

N.S.Prasanna

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of the Civil Procedure Code, to transfer the case in H.M.O.P.No.144 of 2020 on the file of the Family Court, Thiruvallur, to the file of the Family Court, Sivagangai.

For Petitioner : Mr.PR.Boomee Rajan
For Respondent : Mr.S.Balasubramanian

ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer the proceedings in H.M.O.P.No.144 of 2020 from the file of the Family Court, Thiruvallur to the file of the Family Court, Sivagangai.

2.Learned Counsel for the petitioner submits that the petitioner and the respondent are wife and husband. Their marriage was solemnized on 05.12.2011 at Sivanandha Mahal, Karaikudi. After the marriage, both of them lived happily for some time, however, there were no issues. Thereafter, the petitioner underwent harassment and cruelty at the hands of the respondent. The respondent never took care of the petitioner and has driven her out of the matrimonial home. He has also filed the petition for divorce before the Family Court, Thiruvallur in H.M.O.P.No.144 of 2020.

3.Learned Counsel further submitted that the petitioner is residing with her parents in Sivagangai. The respondent has filed the case before the Family Court in Thiruvallur, which is nearly 460 KMs from her place of stay. The petitioner finds it difficult to attend the Court proceedings in Thiruvallur. Therefore, the petitioner prays to transfer the proceedings in H.M.O.P.No.144 of 2020 from the Family Court, Thiruvallur to the Family Court, Sivagangai.



4.Learned Counsel for the respondent strongly objected to the relief sought for by the petitioner.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.According to the learned Counsel for the petitioner, the petitioner is residing in Sivagangai with her parents and she could not travel to Thiruvallur, without the assistance of others. The distance between Thiruvallur and Sivagangai is nearly 460 Kms. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer applications as held by the Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**. Therefore, I am inclined to allow the present petition.

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.144 of 2020 from the file of the Family Court, Thiruvallur is withdrawn and transferred to the file of the Family Court, Sivagangai. The learned Judge, Family Court, Thiruvallur is directed to send the entire case records in H.M.O.P.No.144 of 2020 within a period of fifteen days from the date of receipt of a copy of this order to the learned Judge, Family Court, Sivagangai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

gk
To

- 1.The Judge,
Family Court,
Thiruvallur.
- 2.The Judge,
Family Court,
Sivagangai.

TR CMP (MD) No.54 of 2021
21.06.2022