



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.06.2022

CORAM:

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

TR CMP(MD)No.244 of 2022
and CMP(MD)No.4167 of 2022

Mary Remona ... Petitioner/ Respondent

Vs

N.Christhuraj ... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of the Civil Procedure Code, to withdraw and transfer the case in O.P.No.528 of 2022 on the file of the VII Additional Family Court, Chennai, to the file of the Family Court, Madurai.

For Petitioner : Mr.S.Balaji
For Respondent : Mr.Ragul Jaganathan

ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer the proceedings in O.P.No.528 of 2022 from the file of the VII Additional Family Court, Chennai to the file of the Family Court, Madurai.

2.Learned Counsel for the petitioner submits that the petitioner and the respondent are wife and husband. Their marriage was solemnized on 24.01.2011 at St.Annie's Church Nesapakkam, Chennai. This is the second marriage for both the petitioner and the respondent. After marriage, both of them lived happily for some time. Thereafter, the petitioner underwent harassment and cruelty at the hands of the respondent. The respondent never took care of the petitioner or their daughter, but has developed intimacy with other women. In the meantime, the respondent has also filed a petition for divorce in O.P.No.3249 of 2015 before the Family Court No.II, Chennai and the petitioner has filed a transfer application in Tr.C.M.P.(MD)No.430 of 2015 before this Court. Pending that applications, the parties compromised among themselves and the divorce petition came to be withdrawn. Even then, the respondent has not changed his attitude and has developed intimacy with several other women and has also filed the divorce petition in O.P.No.528 of



2022 before the VII Additional Family Court, Chennai, for the second time.

3.Learned Counsel further submitted that the petitioner is working as Assistant Professor (Chemistry) in Sri Meenakshi Government Arts College for Women, Madurai and is residing in Madurai, with her daughter. The respondent has filed the case before the Family Court in Chennai, which is nearly 480 KMs from Madurai. The petitioner finds it difficult to attend the Court proceedings in Chennai. Therefore, the petitioner prays to transfer the proceedings in O.P.No.528 of 2022 from the VII Additional Family Court, Chennai to the Family Court, Madurai.

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 Madurai with her young daughter and she could not travel to Chennai, leaving her daughter alone, without assistance of others. The distance between Chennai and Madurai is 480 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 O.P.No.528 of 2022 from the file of the VII Additional Family Court, Chennai is withdrawn and transferred to the file of the Family Court, Madurai. The learned Judge, VII Additional Family Court, Chennai is directed to send the entire case records in O.P.No.528 of 2022 within a period of fifteen days from the date of receipt of a copy of this order to the learned Judge, Family Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

gk

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To

1.The Judge,
VII Additional Family Court,
Chennai.

2.The Judge,
Family Court,
Madurai.

+1 CC to M/s.S. BALAJI, Advocate (SR-27218[F] dated 21/06/2022)

TR CMP(MD) No.244 of 2022
20.06.2022

RD(06.07.2022) 3P 4C