



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD).No.119 of 2018

and

C.M.P. (MD).No.2601 of 2018

S.Sivakami

... Petitioner

Vs.

C.M.Selvaraj

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the case in H.M.O.P.No.04 of 2017 on the file of the Sub Court, Avinasi and transfer the same to the file of the learned Sub-Court, Palani for adjudication.

For Petitioner : Mr.T.Thirumurugan

For Respondent : Mr.J.Mathesh

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.04 of 2017 from the file of the Sub Court, Avinasi, to the file of the Sub-Court, Palani for adjudication.

2. The respondent/husband has filed H.M.O.P.No.4 of 2017 for divorce before the Sub Court, Avinasi. Now, the petitioner/wife has filed the Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.4 of 2017 filed by the respondent/husband from the file of Sub Court, Avinasi to the file of Sub Court, Palani, on the ground that she has to travel from Palani to Avinasi along with her children.

3. The learned counsel appearing for the petitioner would submit that the Honourable Supreme Court of India, in the case of Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta reported in 2008 (9) SCC 353, has held that convenience of woman is to be taken into consideration at the time of considering the transfer applications and he seeks transfer of the case from the file of Sub Court, Avinasi to the file of Sub Court, Palani.

4. The learned counsel appearing for the respondent would submit that the respondent has no objection for transferring the case from the file of Sub Court, Avinasi to the file of Sub Court, Palani.

5. Considering the facts and circumstances of the case, this Court is inclined to transfer the H.M.O.P.No.4 of 2017 from the file



of Sub Court, Avinasi to the file of Sub Court, Palani. Accordingly, the Transfer Civil Miscellaneous Petition is allowed with the following directions:

i) The Sub Court, Avinasi, is directed to transmit the entire records in H.M.O.P.No.4 of 2017 to the file of Sub Court, Palani within a period of two weeks from the date of receipt of a copy of this order.

ii) the Sub Court, Palani, after obtaining the records on transfer, is directed to dispose of the H.M.O.P.(MD).No.4 of 2017 within a period of three months from the date of receipt of a copy of this order.

No costs. Consequently, the connected Miscellaneous Petition in C.M.P.(MD) No. 2601 of 2018 is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To
1.The Sub Court,
Avinasi.

2.The Sub Court,
Palani.

+1CC to Mr.T.Thirumurugan Advocate in SR.No.67915.

CM
DS/SV-MMS/SAR- 2 : 25.06.2018: 2P/4C

Tr.C.M.P. (MD) .No.119 of 2018
and
C.M.P. (MD) .No.2601 of 2018
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