



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.406 of 2017
and
C.M.P.(MD).No.8197 of 2017

Iswarya ... Petitioner/Respondent (Wife)
Vs.
Senthilkumar ... Respondent/Petitioner (Husband)

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code to withdraw the case on the file of the Family Court, Sivagangai, in H.M.O.P.No.60 of 2016 and transfer the same to the file of the Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.R.Sundar
For Respondent : Mr.B.Senthilkumar

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.60 of 2016 from the file of the Family Court, Sivagangai, to the file of the Sub Court, Thirumangalam, Madurai District.

2. The respondent/husband has filed H.M.O.P.No.60 of 2016 for divorce before the Family Court, Sivagangai. Now, the petitioner/wife has filed the Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.60 of 2016 filed by the respondent/husband from the file of Family Court, Sivagangai to the file of Sub Court, Thirumangalam, Madurai District, on the ground that it is very difficult for her to travel 65 kilometres away from Madurai to attend the case before the Family Court, Sivagangai.

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 the Family Court, Sivagangai to the file of Sub Court, Thirumangalam, Madurai District,

4. The learned counsel appearing for the respondent would submit that the petitioner/wife is residing only at Tirumangalam,



which is only 10 kilometres away from Madurai and therefore, the case may be transferred to the file of the Family Court, Madurai.

5. Considering the facts and circumstances of the case, this Court is inclined to transfer the H.M.O.P.No.60 of 2016 from the file of Family Court, Sivagangai to the file of the Family Court, Madurai. Accordingly, the Transfer Civil Miscellaneous Petition is allowed with the following directions:

i) The Family Court, Sivagangai, is directed to transmit the entire records in H.M.O.P.No.60 of 2016 to the file of Family Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

ii) the Family Court, Madurai, after obtaining the records on transfer, is directed to dispose of the H.M.O.P.(MD).No.60 of 2016 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. 8197 of 2018 is closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The Family Court,
Sivagangai.

2.The Family Court,
Madurai.

+1CC to Mr.B.SenthilKumar, Advocate in SR.No.67668,
+1CC to Mr.R.Sundar, Advocate in SR.No.67672.

CM
DS/JC/SAR-4 :25.06.2018: 2P/5C

Tr.C.M.P. (MD) .No.406 of 2017
and
C.M.P. (MD) .No.8197 of 2017
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