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Tr.C.M.P(MD)No.14 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2020**

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.14 of 2020

and

C.M.P(MD) No.360 of 2020

Mrs.Priyanka

... Petitioner/Respondent

-Vs-

Aasaipandi

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.NO.204 of 2017 on the file of the Subordinate Court, Uthamapalayam, Theni and transfer the same to the learned Principal Sub-Court, at Tiruppur for further trial.

For Petitioner : Mr.V.Kannan

For Respondent : No Appearance

O R D E R

The petitioner/wife, who is facing the proceedings for dissolution of marriage at the instance of the respondent/husband in H.M.O.P.No.204 of 2017 on the file of the Subordinate Court, Uthamapalayam, Theni seeks to withdraw and transfer of the same to the Principal Sub-Court, Tiruppur.

2. Though the respondent has entered appearance through a counsel, there is no representation.

3. Admittedly, the petitioner/wife resides at Tiruppur and transfer is sought for mainly on the ground of convenience.

4. The Hon'ble Supreme Court in the judgment reported in **2008 (9) SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, has held that "*convenience of woman is to be taken into consideration first while considering transfer application.*"

5. In the light of the aforesaid decision and also being satisfied with the reasons stated in the transfer petition filed by the petitioner/wife, this Court is inclined to withdraw the H.M.O.P.No.204 of 2017 from the file of the Subordinate Court, Uthamapalayam, Theni and transfer the same to the Principal Sub-



Court, Tiruppur.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the proceedings in H.M.O.P.No.204 of 2017 is withdrawn from the file of the Subordinate Court, Uthamapalayam, Theni and transferred to the Principal Sub-Court, Tiruppur. The learned Judge, Subordinate Court, Uthamapalayam, Theni is directed to transmit the papers to the learned Principal Subordinate Judge, Principal Sub-Court, Tiruppur, forthwith.

7. The learned Principal Subordinate Judge, Principal Sub-Court, Tiruppur is directed to dispose of the proceedings in H.M.O.P.No.204 of 2017, as expeditiously as possible, after due notice and opportunity to both parties. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Subordinate Judge,
Sub-Court,
Uthamapalayam, Theni.
- 2.The Principal Subordinate Judge,
Principal Sub-Court, Tiruppur.

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