



WEB COPY

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.109 of 2020
and C.M.P (MD) No.2194 of 2020

P.Vidhya

... Petitioner /Respondent

-Vs-

S.Arun

... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the F.C.O.P.No.47 of 2020 pending on the file of the learned Family Court Judge, Vellore and transfer the same to the file of the learned Family Court, Madurai.

For Petitioner : Mr.Niranjana S.Kumar

For Respondent : No Appearance

O R D E R

The petitioner/wife, who is facing the proceedings for restitution of conjugal rights at the instance of the respondent/husband in F.C.O.P.No.47 of 2020 on the file of the Family Court, Vellore seeks transfer of the same to the Family Court, Madurai.

2. Though the respondent has been served and his name printed in the cause list, there is no representation on his behalf.

3. Admittedly, the wife resides at Madurai 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 wife, this Court is inclined to transfer the case in F.C.O.P.No.47 of 2020 on the file of the Family Court, Vellore to the Family Court, Madurai.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the proceedings in F.C.O.P.No.47 of 2020 is withdrawn from the file of the Family Court, Vellore and transferred



to the Family Court, Madurai. The learned Judge, Family Court, Vellore, is directed to transmit the papers to the Family Court, Madurai forthwith.

7. The learned Judge, Family Court, Madurai is directed to dispose of the proceedings in F.C.O.P.No.47 of 2020, 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 (CS I)

// 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 Judge,
Family Court, Vellore.

2.The Judge, Family Court,
Madurai.

3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2C)

+1CC TO MR.NIRANJAN S KUMAR, ADVOCATE, SR NO 26954

Tr.C.M.P(MD)No.109 of 2020
and C.M.P. (MD)No.2194 of 2020
22.12.2020

—
NA (CO)

KK(07.01.2021) 2P 6C