



WEB COPY

Tr.C.M.P(MD)No.141 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.141 of 2020

and

C.M.P(MD) No.2696 of 2020

Karpagam

... Petitioner

-Vs-

Suresh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case H.M.O.P.NO.10 of 2020 on the file of the Family Court, Srivilliputhur, Virudhunagar District to transfer the same to on the file of Family Court, Ramanathapuram, Ramanathapuram District for adjudication.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : No Appearance

O R D E R

The petitioner/wife, who is facing the proceedings for divorce at the instance of the respondent/husband in H.M.O.P.No.10 of 2020 on the file of the Family Court, Srivilliputhur, Virudhunagar District seeks to withdraw and transfer of the same to the Family Court, Ramanathapuram, Ramanathapuram District.

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

3. Admittedly, the petitioner/wife resides at Ramanathapuram 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.10 of 2020 from the file of the Family Court, Srivilliputhur, Virudhunagar District and transfer the same to the Family Court, Ramanathapuram, Ramanathapuram District.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the proceedings in H.M.O.P.No.10 of 2020 is withdrawn from the file of the Family Court, Srivilliputhur, Virudhunagar District and transferred to the Family Court, Ramanathapuram, Ramanathapuram District. The learned Judge, Family Court, Srivilliputhur is directed to transmit the papers to the learned Judge, Family Court, Ramanathapuram, forthwith.

7. The learned Judge, Family Court, Ramanathapuram is directed to dispose of the proceedings in H.M.O.P.No.10 of 2020, as expeditiously as possible, preferably, within a period of six months from the date of receipt of the papers from the Family Court, Srivilliputhur, Virudhunagar District, 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-II)

// True Copy //

/ /2020

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,
Srivilliputhur, Virudhunagar District.

2.The Judge, Family Court,
Ramanathapuram, Ramanathapuram District.

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

+1 CC to Mr.D.BALAMURUGA PANDI, Advocate (SR-25035[F] dated 11/12/2020)

Tr.C.M.P(MD)No.141 of 2020
and C.M.P. (MD)No.2696 of 2020
11.12.2020