



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.159 of 2020

and

C.M.P (MD) No.2948 of 2020

R.Indhu Rani

... Petitioner

-Vs-

S.Ramanathan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.3 of 2019 on the file of the Learned Sub- Judge, Sivagangai and transfer the same to the file of the Learned Family Court, Madurai.

For Petitioner : Mr.K.Manoharan

For Respondent : No appearance

O R D E R

The petitioner/wife, who is facing the proceedings for divorce at the instance of the husband in H.M.O.P.No.47 of 2018, on the file of the Sub-Court, Muthukulathur and the same was subsequently transferred to Sub-Court, Sivagangai and re-numbered as H.M.O.P.No.3 of 2019, seeks transfer of the same to the Family Court, Madurai.

2. Heard the learned counsel appearing for the petitioner.

3. Today, when the matter is taken up for hearing, there is no representation for the respondent.

4. Admittedly, the wife resides at Madurai District and transfer is sought for mainly on the ground of convenience.

5. 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."

6. 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 H.M.O.P.No.3 of 2019, on the file of the the Sub-Court, Sivagangai, to the Family Court, Madurai.

7. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Sub-Court, Sivagangai, is directed to transmit the papers to the Family Court, Madurai, forthwith.

8. The learned Judge, Family Court, Madurai, is directed to dispose of the proceedings in H.M.O.P.No.3 of 2019, within a period of six months from the date of receipt of the papers from the Sub-Court, Sivagangai, 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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

am

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 Sub-Court, Sivagangai.
2. The Family Court, Madurai.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

+1 CC to M/s.N.CHANDRAN, Advocate (SR-23814[F] dated 03/12/2020)

Tr.C.M.P(MD)No.159 of 2020

01.12.2020

VR (CO)

NR (11/12/2020) 2P : 6C

<https://hcservices.ecourts.gov.in/hcservices/>