



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.10.2020
CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.169 of 2019
and
C.M.P(MD) No.3923 of 2019

Kala ... Petitioner / Respondent

-Vs-

Subburaj ... Respondent / Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.86 of 2018 pending on the file of Sub Court, Thoothukudi and to transfer the same to the Family Court, Madurai.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondent : No Appearance

O R D E R

The petitioner/wife, who is facing the proceedings for dissolving the marriage at the instance of the husband in H.M.O.P.No.86 of 2018, on the file of the Sub Court, Thoothukudi, seeks transfer of the same to the Family Court at Madurai.

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

3. Though notice was served on the respondent and his name was printed in the cause list, there is no representation on his behalf.

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 H.M.O.P.No.86 of 2018, on the file of the the Sub Court, Thoothukudi, to the Family Court, Madurai.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Sub Court, Thoothukudi, 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 H.M.O.P.No.86 of 2018 within a period of six months from the date of receipt of the papers from the Sub Court, Thoothukudi, 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)

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

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