



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.191 of 2019

and

C.M.P(MD)No.4450 of 2019

S.Sameem Fathima

... Petitioner

-Vs-

R.Jaheer Hussain

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.267 of 2018 on the file of the learned District Munsif Court, Melur and to transfer the same to the learned Sub-Court, Paramakudi of Ramanathapuram District.

For Petitioner : M/s.M.Seeni Regamath Nisha
For Respondent : Mr.I.Saliyakhan

O R D E R

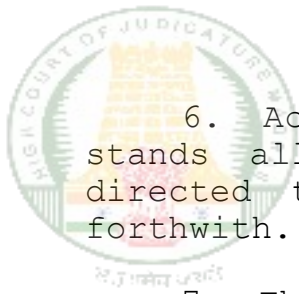
This Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.267 of 2018 from the file of the District Munsif Court, Melur and transfer the same to the Sub-Court, Paramakudi of Ramanathapuram District.

2. Heard the learned counsel appearing for the petitioner as well as the respondent.

3. Admittedly, the wife resides at Paramakudi 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 O.S.No.267 of 2018, from the file of the District Munsif Court, Melur, to the Sub-Court, Paramakudi.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, District Munsif, Melur, is directed to transmit the papers to the Sub-Court, Paramakudi, forthwith.

7. The learned Judge, Sub-Court, Paramakudi is directed to dispose of the proceedings in O.S.No.267 of 2018, within a period of six months from the date of receipt of the papers from the District Munsif Court, Melur, 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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 District Munsif,
Melur.

2.Sub-Court,
Paramakudi.

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

Tr.C.M.P(MD)No.191 of 2019

01.12.2020

AC (CO)

NR (18/12/2020) 2P : 5C