



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020
CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.234 of 2019
and
C.M.P (MD) No.5487 of 2019

Karthiyayini

... Petitioner

-Vs-

Selvamari

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.28 of 2018 pending on the file of the Subordinate Judge, Mudukulathur and transfer the same to the Family Court, Madurai or any other competent Court in Madurai within the time stipulated by this Court.

For Petitioner : Mr.S.M.A.Jinnah

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 husband in H.M.O.P.No.28 of 2018, on the file of the Sub Court, Mudukulathur, 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. 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.*"

4. 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.28 of 2018, on the file of the the Sub Court, Mudukulathur, to the Family Court, Madurai.



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

6. The learned Judge, Family Court, Madurai, is directed to dispose of the proceedings in H.M.O.P.No.28 of 2018 within a period of six months from the date of receipt of the papers from the Sub Court, Mudukulathur, 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 (Crl.Side)

// True Copy //

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

Tr.C.M.P(MD)No.234 of 2019
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