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Tr.C.M.P(MD)No.236 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD) No.236 of 2019

and

C.M.P(MD) No.5522 of 2019

Jennathul Perthoush

... Petitioner

-Vs-

Abdul Sithick

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw S.M.O.P.No.1 of 2019 from the District Court, Sivagangai and transfer the same to District Court, Pattukottai.

For Petitioner : Mr.R.Mahendran

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 respondent/husband in S.M.O.P.No.1 of 2019 on the file of the District Court, Sivagangai, seeks transfer of the same to the District Court, Pattukottai.

2. There is no representation on behalf of the respondent, though the name of the counsel has been printed in the cause list.

3. Admittedly, the wife resides at Pattukottai, Thanjavur District 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 S.M.O.P.No.1 of 2019, on the file of the District Court, Sivagangai, to the District Court, Pattukottai.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, District Court, Sivagangai, is directed to transmit the papers to the District Court, Pattukottai, forthwith.

7. The learned Judge, District Court, Pattukottai, is directed to dispose of the proceedings in S.M.O.P.No.1 of 2019 within a period of six months from the date of receipt of the papers from the District 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 (CO)

// True Copy //

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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 District Judge,
Sivagangai.
2. The District Judge, Pattukottai.

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ns (CO)

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