



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.237 of 2019

and C.M.P (MD) No.5524 of 2019

WEB COPY

Packialalakshmi

... Petitioner/Wife

-Vs-

Vijayakumar

... Respondent/Husband

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.86 of 2018 on the file of the learned Subordinate Judge, Aruppukottai and transfer the same to the file of Family Court, Dindigul to be tried along with H.M.O.P.No.151 of 2019 filed by the petitioner.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondent : No appearance

O R D E R

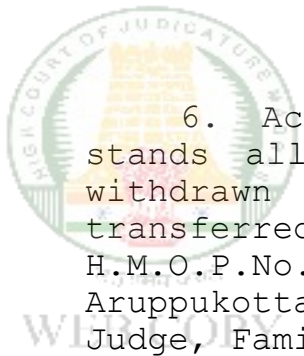
The petitioner/wife, who is facing the proceedings for divorce at the instance of the respondent/husband in H.M.O.P.No.86 of 2018 on the file of the Sub-Court, Aruppukottai, seeks transfer of the same to the Family Court, Dindigul, to be tried along with H.M.O.P.No.151 of 2019, which was filed by the petitioner for restitution of conjugal rights.

2. Though the respondent has been served and his name also appeared in the cause list, there is no representation on his behalf.

3. Admittedly, the wife resides at Vembarpatti, Dindigul 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 the H.M.O.P.No.86 of 2018 on the file of the Sub-Court, Aruppukottai to the Family Court, Dindigul to be tried along with H.M.O.P.No.151 of 2019.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the proceedings in H.M.O.P.No.86 of 2018 is withdrawn from the file of the Sub-Court, Aruppukottai and transferred to the Family Court, Dindigul, to be tried along with H.M.O.P.No.151 of 2019. The learned Subordinate Judge, Aruppukottai, is directed to transmit the papers to the learned Judge, Family Court, Dindigul forthwith.

7. The learned Judge, Family Court, Dindigul is directed to dispose of the proceedings in H.M.O.P.No.86 of 2018 along with H.M.O.P.No.151 of 2019, within a period of six months from the date of receipt of the papers from the Sub-Court, Aruppukottai, 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)

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 Subordinate Judge, Sub-Court,
Aruppukottai.
2. The Judge, Family Court, Dindigul.

Copy to: The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1 CC to Mr.SARVAGAN PRABHU, Advocate SR-25364.

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and C.M.P. (MD)No.5524 of 2019
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VR (CO)

CS(22.12.2020) 2P 6C

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