



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.10.2020

Coram:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

TR.CMP(MD)No.239 of 2019

and

C.M.P(MD)No.5569 of 2020

WEB COPY

J.Jayapriya

... Petitioner / Respondent

.vs.

R.Sentil

... Respondent / Petitioner

Prayer :- This Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.2031 of 2019 on the file of the VI Additional Family Court at Chennai and transfer the same to the Sub-Court, Aruppukottai, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.T.S.Rajamohan

ORDER

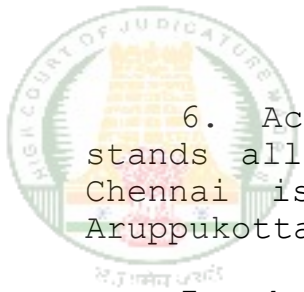
The petitioner/wife, who is facing the proceedings for divorce at the instance of the husband in H.M.O.P.No.2031 of 2019, on the file of the VI Additional Family Court at Chennai, seeks transfer of the same to the Sub-Court, Aruppukottai, Virudhunagar District.

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

3. The learned counsel appearing for the petitioner submitted that initially both parties agreed for divorce by mutual consent, but before the Mediation and Conciliation Centre, on several occasions, no settlement has been arrived at with regard to Sridhana properties.

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.2031 of 2019, on the file of the the VI Additional Family Court at Chennai, to the Sub-Court, Aruppukottai, Virudhunagar District.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, VI Additional Family Court at Chennai is directed to transmit the papers to the Sub-Court, Aruppukottai, forthwith.

7. The learned Judge, Sub-Court, Aruppukottai, is directed to dispose of the proceedings in H.M.O.P.No.2031 of 2019 within a period of six months from the date of receipt of the papers from the VI Additional Family Court at Chennai, 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-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

am

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 VI Additional Judge,
Family Court,
Chennai.

2.The Subordinate Judge,
Aruppukottai.

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

+1 CC to Mr.M. JOTHI BASU, Advocate (SR-20291[F] dated 16/10/2020)

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VB (03.11.2020) 2P 6C