



WEB COPY

Tr.C.M.P(MD)No.188 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.188 of 2020

and

C.M.P(MD) No.3779 of 2020

Ponmani

... Petitioner

-Vs-

Kishok Rajkumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.108 of 2020 pending on the file of Family Court, Dindigul and to transfer the same to the Sub Court at Uthamapalayam and to try along with H.M.O.P.No.51 of 2020, pending on the file of Sub Court, Uthamapalayam.

For Petitioner : Mr.G.Vanjinathan

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.108 of 2020, on the file of the Family Court, Dindigul, seeks transfer of the same to the Sub Court at Uthamapalayam, to be tried along with petition for divorce filed by her in H.M.O.P.No.51 of 2020.

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

3. Though notice was served on the respondent and his name was printed in the cause list, there is no representation on his behalf.

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.108 of 2020,

<https://hcservices.ecourts.gov.in/hcservices/>



on the file of the the Family Court, Dindigul, to the Sub Court, Uthamapalayam, to be tried along with H.M.O.P.No.51 of 2020.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Family Court, Dindigul, is directed to transmit the papers to the Sub Court, Uthamapalayam, forthwith.

7. The learned Judge, Sub Court, Uthamapalayam, is directed to dispose of the proceedings in H.M.O.P.No.108 of 2020 along with H.M.O.P.No.51 of 2020, within a period of six months from the date of receipt of the papers from the Family Court, Dindigul, 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 (A.S)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/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 Judge, Family Court, Dindigul.
2. The Sub Judge, Uthamapalayam.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2)

Tr.C.M.P(MD)No.188 of 2020

and

C.M.P(MD) No.3779 of 2020

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SJ(CO)

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