



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.204 of 2020

and

C.M.P(MD) No.4464 of 2020

M.Preetha ... Petitioner/Respondent

-Vs-

Shenbagaseelan ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.35 of 2020 on the file of the learned Subordinate Judge, Mudhukulathur, Ramanathapuram District and transfer the same to the learned Subordinate Judge, Sivakasi or Virudhunagar in Virudhunagar District for adjudication.

For Petitioner : Mr.S.Mahalakshmi

For Respondent : Mr.D.Balamurugapandi

O R D E R

The petitioner/wife, who is facing the proceedings for dissolving the marriage at the instance of the husband in H.M.O.P.No.35 of 2020, on the file of the Subordinate Court, Mudhukulathur, Ramanathapuram District, seeks transfer of the same to the Subordinate Court, Sivakasi, Virudhunagar District.

2. Admittedly, the wife resides at Virudhunagar District 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.35 of 2020, from the file of the the Subordinate Court, Mudhukulathur, Ramanathapuram District, to the Subordinate Court, Sivakasi, Virudhunagar District.



5. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Subordinate Court, Mudhukulathur, Ramanathapuram District, is directed to transmit the papers to the Subordinate Court, Sivakasi, Virudhunagar District, forthwith.

6. The learned Judge, Subordinate Court, Sivakasi, Virudhunagar District, is directed to dispose of the proceedings in H.M.O.P.No.35 of 2020 on merits, within a period of six months from the date of receipt of the papers from the Subordinate Court, Mudhukulathur, Ramanathapuram District, 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 (AD-II)

// True Copy //

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Sub Assistant Registrar(CS)

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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,
Mudhukulathur, Ramanathapuram District.
2. The Subordinate Judge,
Sivakasi, Virudhunagar District.
3. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Balamurugapandi, Advocate Sr.No.26430

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