



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.10.2020

Coram:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

TR.CMP(MD)No.230 of 2020

and

C.M.P(MD)No.5133 of 2020

WEB COPY

P.Monisha ... Petitioner / Respondent
.vs.
J.Hariharan ... 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.1283 of 2020 on the file of the Family Court-II, Chennai and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.VS.Karthi
for VS.Karthi Associates

For Respondent : Mr.V.Karthi,
Senior Advocate
for Mr.Babu Rajendran

ORDER

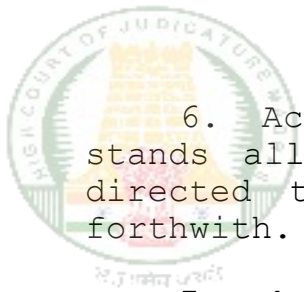
The petitioner/wife, who is facing the proceedings for divorce at the instance of the husband in H.M.O.P.No.1283 of 2020, on the file of the Family Court-II, Chennai, seeks transfer of the same to the Family Court, Madurai.

2. When the matter is taken up of hearing, both the Counsel for the parties submitted that there is every possibility for some settlement between the parties and also agreed for transfer of the petition in H.M.O.P.No.1283 of 2020, from the file of the learned Family Court - II, Chennai to the file of the Family Court, Madurai.

3. Heard the learned counsel appearing for the petitioner as well as the respondent.

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.1283 of 2020, on the file of the the Family Court-II, Chennai, to the Family Court, Madurai.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Family Court -II, Chennai is directed to transmit the papers to the Family Court, Madurai, forthwith.

7. The learned Judge, Family Court, Madurai, is directed to dispose of the proceedings in H.M.O.P.No.1283 of 2020 within a period of three months from the date of receipt of the papers from the Family Court-II, Chennai, after due notice and opportunity to both parties. Both parties are directed to appear before the Family Court, Madurai for the hearing on 11.11.2020. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// 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 Family Court-II,
Chennai.

2.The Family Court,
Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-20282[F] dated 16/10/2020

+1 CC to M/s.V.S.KARTHI, Advocate (SR-20518[F] dated 19/10/2020)

TR.CMP(MD)No.230 of 2020

16.10.2020

SRK (CO)

NR (03/11/2020) 2P : 5C