



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.12.2020
CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.256 of 2020
and
C.M.P(MD) No.5705 of 2020

E.Anandhi ... Petitioner/Respondent

-Vs-

R.Subash` ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.1129 of 2020 pending on the file of Family Court, Tiruppur and transfer the same to the file of Sub Court, Tenkasi for having joint trial along with H.M.O.P.No.124 of 2020, pending on the file of Sub Court, Tenkasi.

For Petitioner : Mr.S.Packiyamuthu
for M/s.H.Arumugam

For Respondent : No Appearance

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.1129 of 2020, on the file of the Family Court, Tiruppur, seeks transfer of the same to the Sub-Court at Tenkasi, to be tried along with petition for restitution of conjugal rights filed by her in H.M.O.P.No.124 of 2020.

2. Admittedly, the wife resides at Tenkasi 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.1129 of 2020, on the file of the the Family Court, Tiruppur, to the Sub-Court, Tenkasi, to be tried along with H.M.O.P.No.124 of 2020.



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

7. The learned Judge, Sub-Court, Tenkasi, is directed to dispose of the proceedings in H.M.O.P.No.1129 of 2020 along with H.M.O.P.No.124 of 2020 on merits, within a period of six months from the date of receipt of the papers from the Family Court, Tiruppur, 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 //

/ /2020

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 Family Court,
Tiruppur.
2. The Subordinate Court,
Tenkasi.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-25694[F] dated 16/12/2020)

Tr.C.M.P(MD)No.256 of 2020
and
C.M.P(MD) No.5705 of 2020
15.12.2020

ss (CO)

KK(28.12.2020) 2P 6C

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