



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.251 of 2020

and

C.M.P(MD) No.5644 of 2020

Lakshmi Prabha

... Petitioner/Respondent

-Vs-

Veerapandi

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. r/w order Rule 1(2) C.P.C to withdraw H.M.O.P.No.129 of 2020 on the file of the Family Judge, Sivagangai and transfer the same to the learned Family Court, Madurai for conducting joint trial.

For Petitioner : Mrs.A.S.Rajeswari
For Respondent : Mr.R.Venkatesan

O R D E R

The petitioner/wife, who is facing the proceedings for divorce at the instance of the husband in H.M.O.P.No.129 of 2020 on the file of the Family Court, Sivagangai, seeks transfer of the same to the Family Court, Madurai to be tried along with M.C.No.52 of 2020.

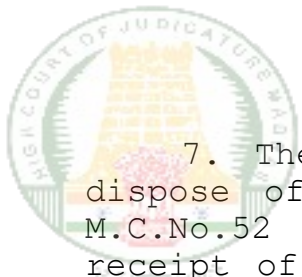
2. Heard the learned counsel appearing for the petitioner as well as the respondent.

3. Admittedly, the wife resides at Madurai District and transfer is sought for mainly on the ground of convenience.

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.129 of 2020, on the file of the the Family Court, Sivagangai, to the Family Court, Madurai to be tried along with M.C.No.52 of 2020.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Family Court, Sivagangai, 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.129 of 2020 along with M.C.No.52 of 2020 within a period of six months from the date of receipt of the papers from the Family Court, Sivagangai, 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-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 Judge,
Family Court,
Sivagangai.
 2. The Judge,
Family Court,
Madurai.
 3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)
- +1 CC to M/s.A.S.RAJESHWARI, Advocate (SR-23470[F] dated 01/12/2020
- +1 CC to M/s.R.VENKATESAN, Advocate (SR-23827[F] dated 03/12/2020)

Tr.C.M.P(MD)No.251 of 2020

01.12.2020

VR (CO)

NR (10/12/2020) 2P : 7C

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