



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.242 of 2020

and

C.M.P(MD) No.5455 of 2020

Anitha

... Petitioner

-Vs-

Vairavan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.78 of 2020 on the file of the learned Sub Court, Uthamapalayam and transfer the same to the learned Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.N.Sathiyendran

For Respondent : No appearance

O R D E R

The petitioner/wife, who is facing the proceedings for divorce at the instance of the respondent/husband in H.M.O.P.No.78 of 2020 on the file of the Sub Court, Uthamapalayam, Madurai District seeks to withdraw and transfer of the same to the Sub Court, Thirumangalam, Madurai District.

2. Though the respondent/husband has been served and his name also appeared in the cause list, there is no representation on his behalf.

3. Admittedly, the petitioner/wife resides at Muthaiyampatti, Vaguruni, Usilampatti Taluk, 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 petitioner/wife, this Court is inclined to withdraw the H.M.O.P.No.78 of 2020 from the file of the Sub Court, Uthamapalayam, Madurai District and transfer the same to the Sub Court, Thirumangalam, Madurai District.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Subordinate Judge, Uthamapalayam,

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



Madurai District is directed to transmit the papers to the learned Subordinate Judge, Thirumangalam, Madurai District, forthwith.

7. The learned Subordinate Judge, Thirumangalam, Madurai District, is directed to dispose of the proceedings in H.M.O.P.No.78 of 2020 within a period of six months from the date of receipt of the papers from the Sub Court, Uthamapalayam, Madurai 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 (CS II)

// True Copy //

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Sub Assistant Registrar(CS)

vsm

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, Uthamapalayam,

2.The Subordinate Judge, Thirumangalam,
Madurai District.

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

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-22850[F] dated 26/11/2020)

Tr.C.M.P(MD)No.242 of 2020
and C.M.P. (MD)No.5455 of 2020
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