



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2020**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.238 of 2020
and C.M.P (MD) No.5366 of 2020

P.Murugeswari @ Muthamilselvi ... Petitioner/Respondent/Wife
-Vs-

V.Subramanian ... Respondent/Petitioner/Husband

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.230 of 2020 on the file of the Family Court, Ariyalur and transfer the same to the Family Court, Karur, Karur District and to club together along with H.M.O.P.No.100 of 2020 on the file of the Family Court, Karur, Karur District.

For Petitioner : Mr.K.C.Ramalingam

For Respondent : No appearance

O R D E R

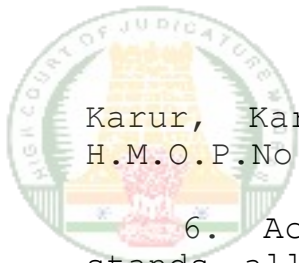
The petitioner/wife, who is facing the proceedings for divorce at the instance of the respondent/husband in H.M.O.P.No.230 of 2020 on the file of the Family Court, Ariyalur seeks transfer of the same to the Family Court, Karur, Karur District, to be tried along with the petition in H.M.O.P.No.100 of 2020, which was filed by the petitioner for restitution of conjugal rights.

2. Though the respondent has entered appearance through a counsel, there is no representation on his behalf.

3. Admittedly, the wife resides at Thanthonimalai, Karur 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 the H.M.O.P.No.230 of 2020 on the file of the Family Court, Ariyalur to the Family Court,



Karur, Karur District to be tried along with the petition in H.M.O.P.No.100 of 2020.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the proceedings in H.M.O.P.No.230 of 2020 is withdrawn from the file of the Family Court, Ariyalur and transferred to the Family Court, Karur, Karur District, to be tried along with H.M.O.P.No.100 of 2020. The learned Judge, Family Court, Ariyalur, is directed to transmit the papers to the Family Court, Karur, Karur District forthwith.

7. The learned Judge, Family Court, Karur, Karur District is directed to dispose of the proceedings in H.M.O.P.No.230 of 2020 along with H.M.O.P.No.100 of 2020, within a period of six months from the date of receipt of the papers from the Family Court, Ariyalur, 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(CRL SIDE)

// True Copy //

/ /2021

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 Judge, Family Court, Ariyalur.

2.The Judge, Family Court, Karur, Karur District.

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

+1 CC to Mr.K.C.RAMALINGAM, Advocate SR.No. 25793

Tr.C.M.P(MD)No.238 of 2020
and C.M.P. (MD)No.5366 of 2020
16.12.2020

ARK(CO)

TR(04.01.2021) 2P 6C

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