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Tr.C.M.P(MD)No.239 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.239 of 2020

and

C.M.P (MD)No.5391 of 2020

P.Vanitha Rajam ... Petitioner/Respondent

-Vs-

Mr.R.Mathimurugan ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case in H.M.O.P.No.208 of 2020 pending on the file of the Sub-Court, Tambaram and transfer the same to the Sub-Court, Kovilpatti, Thoothukudi District.

For Petitioner : Mr.V.Suresh Kanna
For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.208 of 2020 from the file of the Sub-Court, Tambaram and transfer the same to the Sub-Court, Kovilpatti.

2. Heard the learned counsel appearing for the petitioner.

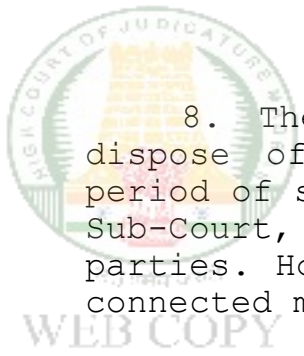
3. The respondent/husband though served has not chosen to appear either in person or through counsel, duly instructed.

4. Admittedly, the wife resides at Kovilpatti and transfer is sought for mainly on the ground of convenience.

5. 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.*"

6. 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.208 of 2020, from the file of the Sub-Court, Tambaram, to the Sub-Court, Kovilpatti.

7. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Sub-Court, Tambaram is directed to transmit the papers to the Sub-Court, Kovilpatti, forthwith.



8. The learned Judge, Sub-Court, Kovilpatti is directed to dispose of the proceedings in H.M.O.P.No.208 of 2020, within a period of six months from the date of receipt of the papers from the Sub-Court, Tambaram, 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 (P&A)

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/ /2021

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 Sub-Court,
Tambaram.

2.The Sub-Court,
Kovilpatti.

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

Tr.C.M.P (MD) No.239 of 2020
22.12.2020

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KB(18.01.2021) 2P 5C