



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.263 of 2020
and C.M.P(MD) No.5852 of 2020

WEB COPY

Mrs.Thangarani

... Petitioner

-Vs-

Mr.Karuppasamy

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.135 of 2020 pending on the file of the learned Subordinate Judge, at Sivakasi and transfer it to the Family Court, Thiruchirappalli.

For Petitioner : Mr.Sheena Palanivelu

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.135 of 2020 on the file of the Sub-Court, Sivakasi, seeks transfer of the same to the Family Court, Thiruchirappalli.

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

3. Admittedly, the wife resides at Trichy 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.135 of 2020 on the file of the Sub-Court, Sivakasi to the Family Court, Thiruchirappalli

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6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and the proceedings in H.M.O.P.No.135 of 2020 is



withdrawn from the file of the Sub-Court, Sivakasi and transferred to the Family Court, Thiruchirappalli. The learned Subordinate Judge, Sivakasi, is directed to transmit the papers to the Family Court, Thiruchirappalli forthwith.

7. The learned Judge, Family Court, Thiruchirappalli is directed to dispose of the proceedings in H.M.O.P.No.135 of 2020 on merits and in accordance with law, as expeditiously as possible, preferably, within a period of six months from the date of receipt of the papers from the Sub-Court, Sivakasi, 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 (AE)

// True Copy //

/ /2020

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,
Sivakasi.

2.The Judge,
Family Court, Thiruchirappalli.

3.The Record Keeper, V.R.Section-2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.SHEENA PALANIVELU, Advocate (SR-25599[F] dated 15/12/2020)

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SJ(CO)

KM (21.12.2020) 2P 6C

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