



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.260 of 2020

and

C.M.P(MD) No.5788 of 2020

Maheshwari

... Petitioner/Respondent

-Vs-

Sakthivel

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.115 of 2020 pending before the Subordinate Court, Tirumangalam and transfer the same to the file of the Family Court, Tirunelveli and allow the petition.

For Petitioner : Mr.S.Sivaprakash

For Respondent : No Appearance

O R D E R

The petitioner/wife, who is facing the proceedings for dissolving the marriage at the instance of the husband in H.M.O.P.No.115 of 2020, on the file of the Subordinate Court, Tirumangalam, seeks transfer of the same to the Family Court, Tirunelveli.

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

3. Though notice was served on the respondent and his name was printed in the cause list, there is no representation on his behalf.

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.115 of 2020, from the file of the Subordinate Court, Tirumangalam, to the Family Court, Tirunelveli.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Subordinate Court, Tirumangalam, is directed to transmit the papers to the Family Court, Tirunelveli, forthwith.

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7. The learned Judge, Family Court, Tirunelveli, is directed to dispose of the proceedings in H.M.O.P.No.115 of 2020 on merits, within a period of six months from the date of receipt of the papers from the Subordinate Court, Tirumangalam, 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 (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Tirumangalam.
2. The Judge,
Family Court,
Tirunelveli.
3. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

Order made in
Tr.C.M.P(MD)No.260 of 2020
and
C.M.P(MD) No.5788 of 2020
21.12.2020

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