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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.317 of 2019

and

C.M.P(MD) No.7416 of 2019

D.Kavitha

... Petitioner

-Vs-

K.Karthikeyan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the petition in H.M.O.P.No.80 of 2018 from the file of the Sub Court, Veda sandur and try the same along with the petition in H.M.O.P.No.1674 of 2018 on the file of the Additional Family Court, Coimbatore.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.J.Senthilkumaraiah

O R D E R

The petitioner/wife, who is facing the proceedings for restitution of conjugal rights at the instance of the husband in H.M.O.P.No.80 of 2018 on the file of the Sub Court, Veda sandur, seeks to withdraw and transfer the same to the Additional Family Court, Coimbatore to be tried along with H.M.O.P.No.1674 of 2018.

2. The learned counsel appearing for the respondent has no objection in allowing this petition.

3. Admittedly, the wife resides at Coimbatore 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 H.M.O.P.No.80 of 2018, on the file of the the Sub Court, Veda sandur, to the Additional Family Court, Coimbatore to be tried along with H.M.O.P.No.1674 of 2018.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Sub Court, Vendasandur, is directed to transmit the papers to the Additional Family Court, Coimbatore, forthwith.

7. The learned Judge, Additional Family Court, Coimbatore, is directed to dispose of the proceedings in H.M.O.P.No.80 of 2018 along with H.M.O.P.NO.1674 of 2018 within a period of six months from the date of receipt of the papers from the Sub Court, Vendasandur, 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-III)

// 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 Judge,
Additional Family Court,
Coimbatore.
2. The Subordinate Judge,
Sub Court, Vendasandur.

Copy to: The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1CC to Mr.J.LAWRANCE, Advocate (SR-22614[F] dated 24/11/2020)

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MA (CO)
CS (03.12.2020) 2P 6C