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Tr.C.M.P(MD)No.143 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD)No.143 of 2018

and

C.M.P (MD)No.3016 of 2018

Surya

... Petitioner

-Vs-

P.Murugavel

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw G.W.O.P.No.05 of 2018 on the file of the District Court, Theni and transfer to the District Court, Karur.

For Petitioner : Mr.K.Balasubramani
For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw G.W.O.P.No.05 of 2018 from the file of the District Court, Theni and transfer the same to the District Court, Karur.

2. Heard the learned counsel appearing for the petitioner.

3. Today, when the matter is taken up for hearing, there is no representation for the respondent.

4. Admittedly, the wife resides at Karur District 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 G.W.O.P.No.5 of 2018, from the file of the District Court, Theni, to the District Court, Karur.



7. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, District Court, Theni, is directed to transmit the papers to the District Court, Karur, forthwith.

8. The learned Judge, District Court, Karur is directed to dispose of the proceedings in G.W.O.P.No.5 of 2018, within a period of six months from the date of receipt of the papers from the District Court, Theni, 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 (AD-I)

// True Copy //

/ /2020

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 District Court,
Theni.
2. The District Court,
Karur.

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

Tr.C.M.P(MD)No.143 of 2018

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PK(CO)
CS(15.12.2020) 2P 5C