



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.79 of 2018

and

C.M.P(MD)No.1841 of 2018

Vidhya

... Petitioner/Respondent

-Vs-

Senthilmari

... 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.27 of 2018 filed by the respondent herein before the Family Court, Sivagangai to Family Court, Madurai.

For Petitioner : Mr.N.Mariappan

For Respondent : No appearance

### O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.27 of 2018 from the file of the Family Court, Sivagangai and transfer the same to the Family Court, Madurai.

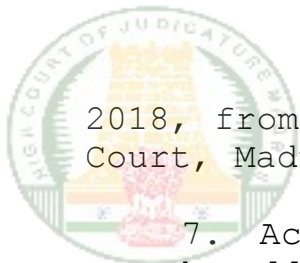
2. Heard the learned counsel appearing for the petitioner.

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

4. Admittedly, the wife resides at Madurai 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.27 of



2018, from the file of the Family Court, Sivagangai, to the Family Court, Madurai.

7. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Family Court, Sivagangai, is directed to transmit the papers to the Family Court, Madurai, forthwith.

8. The learned Judge, Family Court, Madurai is directed to dispose of the proceedings in H.M.O.P.No.27 of 2018, within a period of six months from the date of receipt of the papers from the Family Court, Sivagangai, 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)

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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 Judge, Family Court,  
Sivagangai.

2.The Judge, Family Court,  
Madurai.

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

Tr.C.M.P(MD)No.79 of 2018

01.12.2020

NA (CO)

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