



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.437 of 2019

and

C.M.P(MD) No.10114 of 2019

Rampriya

... Petitioner/Respondent

-Vs-

Saravanan

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.161 of 2019 on the file of the Sub-Court, Ramanathapuram and to transfer the same to the file of the Sub-Court, Devakottai for trial.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.K.Sivabalan

O R D E R

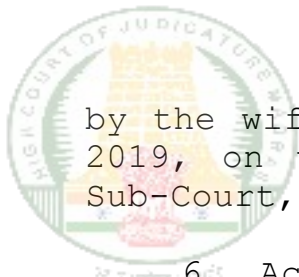
The petitioner/wife, who is facing the proceedings for restitution of conjugal rights at the instance of the husband in H.M.O.P.No.161 of 2019 on the file of the Sub Court, Ramanathapuram, seeks transfer of the same to the Sub-Court, Devakottai.

2. Heard the learned counsel appearing for the petitioner as well as the respondent.

3. Admittedly, the wife resides at Sivagangai District 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.161 of 2019, on the file of the the Sub Court, Ramanathapuram, to the Sub-Court, Devakottai.

6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Sub-Court, Ramanathapuram, is directed to transmit the papers to the Sub-Court, Devakottai, forthwith.

7. The learned Judge, Sub-Court, Devakottai, is directed to dispose of the proceedings in H.M.O.P.No.161 of 2019, within a period of six months from the date of receipt of the papers from the Sub-Court, Ramanathapuram, 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 (AS)

// 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 Sub Judge,
Devakottai.

2. The Sub Judge,
Ramanathapuram.

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

Tr.C.M.P(MD)No.437 of 2019

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MR (CO)

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