



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P (MD) No.448 of 2019

and

C.M.P (MD) No.10373 of 2019

M.Parameswari ... Petitioner/ Respondent

-Vs-

C.Sathyaraj ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.271 of 2019 on the file of the Subordinate Court, Ponneri and transfer to Sub Court, Manamadurai filed by the petitioner.

For Petitioner : Mr.K.Sivabalan
For Respondent : Mr.R.Murugappan

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.271 of 2019 on the file of the Subordinate Court, Ponneri, seeks to withdraw and transfer the same to the Sub Court, Manamadurai.

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

3. Admittedly, the wife resides at Sottathatti Village, Sivaganagai 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 the case in H.M.O.P.No.271 of 2019, on the file of the the Subordinate Court, Ponneri to the Sub Court, Manamadurai.



6. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. The learned Judge, Subordinate Court, Ponneri, is directed to transmit the papers to the Sub Court, Manamadurai, forthwith.

7. The learned Subordinate Judge, Sub-Court, Manamadurai, is directed to dispose of the proceedings in H.M.O.P.No.271 of 2019 within a period of six months from the date of receipt of the papers from the Sub Court, Ponneri, 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-I)

// True Copy //

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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 Subordinate Judge,
Sub Court,
Ponneri.
2. The Subordinate Judge,
Sub Court, Manamadurai.

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