



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Tr.C.M.P(MD)No.159 of 2017

and

C.M.P(MD) No.3645 of 2017

Francis Herinal

... Petitioner

-Vs-

Sebastian

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in I.D.O.P.No.6 of 2017 on the file of the District Court, Ramanathapuram and transfer the same to the Principal District Court, Tuticorin.

For Petitioner : Mr.B.N.Rajamohamed
For Respondent : No appearance

O R D E R

The petitioner/wife, who is facing the proceedings for restitution of conjugal rights at the instance of the respondent/husband in I.D.O.P.No.6 of 2017 on the file of the District Court, Ramanathapuram seeks transfer of the same to the Principal District Court, Tuticorin.

2. Though the respondent has been served and his name also printed in the cause list, there is no representation on his behalf.

3. Admittedly, the wife resides at Vembar, Tuticorin 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 I.D.O.P.No.6 of 2017 on the file of the District Court, Ramanathapuram to the Principal District Court, Tuticorin.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings in I.D.O.P.No.6 of 2017 is



withdrawn from the file of the District Court, Ramanathapuram and transferred to the Principal District Court, Tuticorin. The learned District Judge, Ramanathapuram, is directed to transmit the papers to the Principal District Court, Tuticorin, forthwith.

7. The learned Principal District Judge, Tuticorin, is directed to dispose of the proceedings in I.D.O.P.No.6 of 2017, as expeditiously as possible, preferably, within a period of six months from the date of receipt of the papers from the District 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 (Records)

// 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 Principal District Judge,
Ramanathapuram.

2.The Principal District Judge, Tuticorin.

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

Tr.C.M.P(MD)No.159 of 2017
and C.M.P. (MD)No.3645 of 2017
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