



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.148 of 2021

and

C.M.P. (MD) No.2934 of 2021

WEB COPY

P.Vidhya

... Petitioner/Respondent

-vs-

Rajesh

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw FCOP No.20 of 2021 on the file of the Family Court, Thiruvannamalai and transfer the same to the file of the Family Court, Dindigul District.

For Petitioner : Mr.S.Gokulraj

For Respondent : No appearance

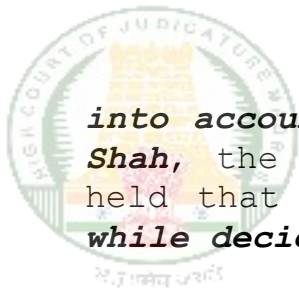
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw FCOP No.20 of 2021 on the file of the Family Court, Thiruvannamalai and transfer the same to the file of the Family Court, Dindigul District.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 01.06.2015 at PNK Thirumana Mahal, Oddanchatram, Dindigul District as per the Hindu rites and customs and out of their wedlock they were blessed with the male child. Thereafter due to some difference of opinion they got separated and the husband has filed a petition for divorce in FCOP No.20 of 2021 before the Family Court, Thiruvannamalai on the ground of cruelty. The petitioner is a resident of Ottanchandram and she has travel all the way from Ottanchatram to Thiruvannamalai which is about 320kms, hence she seeks transfer of FCOP No. 20 of 2021 from the file of the Family Court, Thiruvannamalai to the file of the Family Court, Dindigul.

3. Heard the learned counsel for the petitioner. Despite service of notice there is no representation for the respondent.

4. The Hon'ble Apex Court in the case of ***Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*** reported in (2016)14 SCC 356 has held that ***while deciding the transfer of matrimonial proceedings comparative hardship faced by the wife has to be taken***



into account. Further in the case of **Amitha Shah vs- Virendar Lal Shah**, the Hon'ble Supreme Court reported in **(2003)10 SCC 609** has held that **the convenience of the wife must be taken into account while deciding the petition for transfer.**

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner FCOP No. 20 of 2021 is withdrawn from the file of Family Court, Thiruvannamalai and transferred to the file of Family Court, Dindigul , for disposal as per law. The Family Court, Thiruvannamalai is directed to transmit the papers to the file of the Family Court, Dindigul forthwith. The Family Court, Dindigul, is directed to dispose the transferred FCOP No. 20 of 2021 on merits and in accordance with law as expeditiously as possible.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The Judge,
The Family Court, Thiruvannamalai

2. The Judge,
The Family Court, Dindigul

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-28379[F] dated 07/09/2021)

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