



TR.C.M.P(MD).No.22 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.22 of 2022
and
C.M.P(MD).No.413 of 2022

Vinitha

... Petitioner

versus

Vijayaperumal

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.355 of 2021 on the file of the Family Court, Dindigul and to transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.B.Vinoth Kumar

For Respondent : No-appearance



TR.C.M.P(MD).No.22 of 2022

ORDER

WEB COPY

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.355 of 2021 from the file of the Family Court, Dindigul to the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.09.2020, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed H.M.O.P.No.355 of 2021 before the Family Court, Dindigul, seeking divorce. Since the petitioner/wife is a resident of Madurai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No. 355 of 2021 from the file of the Family Court, Dindigul to the Family Court, Madurai.

3.The learned counsel appearing for the petitioner submits that the distance between Dindigul and Madurai is around 65 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Family Court, Dindigul for each and every hearing.



TR.C.M.P(MD).No.22 of 2022

WEB COPY

4.Though notice was ordered to the respondent, there is no representation for the respondent.

5.This Court, being satisfied with the reasons stated in the affidavit filed in support of this petition and also taking into consideration that it is well settled law that convenience of wife is to be taken into consideration at the time of considering transfer applications as held by the Hon'ble Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, is inclined to allow the present petition.

6.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.355 of 2021 on the file of the Family Court, Dindigul is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Dindigul is directed to transmit the entire case records to the Family Court, Madurai forthwith and the learned Judge, Family Court,



TR.C.M.P(MD).No.22 of 2022

Madurai, who in turn shall dispose of the same as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is closed.

06.07.2022

ssb

Index : Yes / No

Internet: Yes / No

To

1. Family Court, Dindigul

2. Family Court, Madurai.



WEB COPY



TR.C.M.P(MD).No.22 of 2022

B.PUGALENDHI, J.

ssb

TR.C.M.P(MD).No.22 of 2022

06.07.2022