



Tr.C.M.P(MD)No.30 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.30 of 2022

and

C.M.P(MD) No.539 of 2022

B.Gokula Divya Roopa

... Petitioner

-Vs-

K.Rajeshkumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.92 of 2021 on the file of the Ramanathapuram Sub Court and transfer the same to the Sub Court, Madurai.

For Petitioner : No appearance

For Respondent : Mrs.A.Banumathy

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.92 of 2021 from the file of the Sub Court, Ramanathapuram to the Sub Court, Madurai.



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2.Today(01.07.2022), when the matter is taken up for hearing, there is no representation for the petitioner.

3.The learned Counsel appearing for the respondent submits that the respondent is not having any objection in allowing this petition.

4.It is seen from the affidavit filed in support of this petition, that the marriage between the petitioner and the respondent was solemnized on 04.11.2020, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed H.M.O.P.No.92 of 2021 before the Sub Court, Ramanathapuram, 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.92 of 2021 from the file of the Sub Court, Ramanathapuram, to the Sub Court, Madurai.

5.This Court, being satisfied with the reasons stated in the affidavit filed in support of this petition, considering that there is no objection on the side of the respondent and also taking into consideration



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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 Honourable 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 The proceedings in H.M.O.P.No.92 of 2021 on the file of the Sub Court, Ramanathapuram is withdrawn and ordered to be transferred to the file of the Sub Court, Madurai. The learned Sub Judge, Ramanathapuram is directed to transmit the entire case records to the Sub Court, Madurai forthwith and the learned Judge, Sub Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2022

Index : Yes/No
Internet : Yes/No
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To
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- 1.The Sub Court, Ramanathapuram.
- 2.The Sub Court, Madurai.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Order made in
Tr.C.M.P(MD)No.30 of 2022

01.07.2022