



TR.C.M.P(MD)No.56 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD)No.56 of 2022

and

C.M.P(MD)No.1114 of 2022

P.Nimmy

... Petitioner

Vs

G.Arun Vishagan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the HMOP No.227 of 2022 on the file of the learned Family Court, Theni and transfer the same to the file of the learned Principal Sub-Court, Tirunelveli.

[prayer amended vide order dated 24.06.2022 in CMP(MD)No.5068 of 2022]

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.C.Ramesh



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in HMOP No.227 of 2022 from the Family Court, Theni to the Principal Sub-Court, Tirunelveli.

2.The learned counsel appearing for the petitioner submits that the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.12.2019, as per the Hindu Rites and Customs. Now the husband filed HMOP.No.227 of 2022 before the Family Court, Theni. Since the petitioner / wife is a resident of Tirunelveli district, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings from the Sub Court, Tirunelveli, on the ground that the distance between Theni and Tirunelveli is 250 kms and since no one is there to accompany her, she finds it difficult to appear before Court by travelling such along distance.



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4.The learned Counsel appearing for the respondent has raised objection to transfer the proceedings.

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. Though the petitioner sought to transfer the proceedings to Principal Sub Court, Tirunelveli, this Court is inclined to transfer it to the Family Court, Tirunelveli.

6.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in HMOP.No.227 of 2022 from the file of the Family



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WEB COPY Court, Theni is withdrawn and transferred to the file of the Family Court, Tirunelveli. The learned Judge, Family Court, Theni is directed to send the above case records within a period of fifteen days from the date of receipt of a copy of this order to the learned Judge, Family Court, Tirunelveli, who in turn, on receipt of the case, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions stand closed.

21.07.2022

dsk
Index : Yes / No
Internet: Yes / No

To

1. The Judge,
Family Court,
Theni
2. The Judge,
Family Court,
Tirunelvlei.



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B. PUGALENDHI , J.

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