



TR.C.M.P(MD).No.72 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.72 of 2022

and

C.M.P(MD).No.1581 of 2022

Pavithra

... Petitioner

versus

Dhamodara Kannan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw H.M.O.P.No.1220 of 2021 pending on the file of the Additional Family Court, Coimbatore and transfer the same to the Family Court, Sivagangai.

For Petitioner : Mr.K.Gokul

For Respondent : No-appearance



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No. 1220 of 2021 from the file of the Additional Family Court, Coimbatore to the Family Court, Sivagangai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.12.2018, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent/husband has filed H.M.O.P.No. 1220 of 2021 before the Additional Family Court, Coimbatore seeking divorce. Since the petitioner/wife is a resident of Sivagangai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No. 1220 of 2021 from the file of the Additional Family Court, Coimbatore to the Family Court, Sivagangai.



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3.The learned counsel appearing for the petitioner submits that the distance between Sivagangai and Coimbatore is around 260 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Additional Family Court, Coimbatore for each and every hearing.

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. 1220 of 2021 on



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the file of the Additional Family Court, Coimbatore is withdrawn and ordered to be transferred to the file of the Family Court, Sivagangai. The learned Judge, Additional Family Court, Coimbatore is directed to transmit the entire case records to the Family Court, Sivagangai forthwith and the learned Judge, Family Court, Sivagangai, 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. The Additional Family Court, Coimbatore
2. The Family Court, Sivagangai



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B.PUGALENDHI, J.

ssb

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