



TR.C.M.P(MD).No.86 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.86 of 2022

C.M.P(MD).No.1830 of 2022

S.Ramalakshmi

... Petitioner

versus

1.P.Karthik

2.P.Ganeshkumar

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.1131 of 2021 on the file of the Family Court, Madurai and transfer the same to the Sub Court, Sankarankovil.

For Petitioner : Mr.K.Prabhu

For Respondent : No-appearance



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TR.C.M.P(MD).No.86 of 2022

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.1131 of 2021 from the file of the Family Court, Madurai to the Sub Court, Sankarankovil.

2. The petitioner is the wife and the first respondent is the husband. The marriage between the petitioner and the first respondent was solemnized on 11.11.2016. Subsequently, due to some difference of opinion, the first respondent/husband has filed H.M.O.P.No. 1131 of 2021 before the Family Court, Madurai, seeking divorce. Since the petitioner/wife is a resident of Sivagiri, Tirunelveli, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.1131 of 2021 from the file of the Family Court, Madurai to the Sub Court, Sankarankovil.

3.The learned counsel appearing for the petitioner submits that the distance between Sivagiri and Madurai is around 110 kms and it is very



TR.C.M.P(MD).No.86 of 2022

difficult for the petitioner to travel such a long distance for appearing before the Family Court, Madurai, 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.1131 of 2021 on the file of the Family Court, Madurai is withdrawn and ordered to be transferred to the file of the Sub Court, Sankarankovil. The learned Judge,



TR.C.M.P(MD).No.86 of 2022

Family Court, Madurai, is directed to transmit the entire case records to the Sub Court, Sankarankovil, forthwith and the learned Judge, Sub Court, Sankarankovil, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

06.07.2022

ssb

Index : Yes / No

Internet: Yes / No

To

1.Family Court, Madurai

2. Sub Court, Sankarankovil



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TR.C.M.P(MD).No.86 of 2022

B.PUGALENDHI, J.

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TR.C.M.P(MD).No.86 of 2022

06.07.2022