



TR.C.M.P(MD).No.96 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.96 of 2022

and

C.M.P(MD).No.2075 of 2022

A.Jeyarani

... Petitioner

versus

P.Vijayarajeshwaran

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw H.M.O.P.No.33 of 2021 pending on the file of the Family Court, Dindigul and transfer the same to the Sub Court, Tirupathur.

For Petitioner : Mr.A.Rajini

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. 33 of 2021 from the file of the Family Court, Dindigul to the Sub Court, Tirupathur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.06.2012, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent/husband has filed H.M.O.P.No. 33 of 2021 before the Family Court, Dindigul seeking divorce. Since the petitioner/wife is a resident of Tirupathur, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No. 33 of 2021 from the file of the Family Court, Dindigul to the Sub Court, Tirupathur.

3.The learned counsel appearing for the petitioner submits that the distance between Tirupathur and Dindigul is around 90 kms and it is



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very difficult for the petitioner to travel such a long distance for appearing before the Family Court, Dindigul 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. 33 of 2021 on the file of the Family Court, Dindigul is withdrawn and ordered to be transferred to the file of the Sub Court, Tirupathur. The learned Judge,



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Family Court, Dindigul is directed to transmit the entire case records to the Sub Court, Tirupathur forthwith and the learned Judge, Sub Court, Tirupathur, 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 Family Court, Dindigul
2. The Sub Court, Tirupathur.



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B.PUGALENDHI, J.

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