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TR.C.M.P(MD)No.105 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD)No.105 of 2022

and

C.M.P(MD)No.2206 of 2022

A.Shanmugapriya

... Petitioner

Vs

M.Arunkumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the MC.No.12 of 2021 on the file of the Family Judge, Karur and transfer the same to the Family Judge, Trichy.

For Petitioner : Mr.VR.Shanmuganathan

For Respondent : Mr.S.Gokulraj

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in MC.No.12 of 2021 from the Family Court, Karur to the Family Court, Trichy.



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2.The marriage between the petitioner and the respondent was solemnized on 01.07.2018, as per the Hindu Rites and Customs. Now the husband filed a petition seeking divorce in HMOP.No.117 of 2020 before the Family Court, Karur and the petitioner has also filed MC.No.12 of 2021 seeking maintenance before the same Court. Since the petitioner / wife is a resident of Trichy District, she has filed this present Transfer Civil Miscellaneous Petition to transfer the above proceedings to the Family Court, Trichy on the ground that she is depending on her age old parents, she is having a child of tender age and since no one is there to accompany her, she finds it difficult to appear before Court by travelling such a long distance.

3.The learned Counsel for the respondent has raised his objection to the relief sought for by the petitioner.

4.The Hon'ble Apex Court in the case of **Amitha Shah vs- Virendar Lal Shah**, reported



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(2003)10 SCC 609 has held that the convenience of the wife and more so of the child must be taken into account while deciding the petition for transfer and in the case of Rajani **Kishor Paradeshi Vs Kishor Babulal Paradeshi reported in (2005) 12 SCC 237**, the Hon'ble Apex Court has held that in such type of transfer petitions, the convenience of the wife is to be preferred over the convenience of the husband.

5.This Court being satisfied with the reasons stated in the affidavit filed in support of this petition and also taking into consideration that the convenience of wife is to be taken into consideration at the time of considering transfer petitions as held by the Hon'ble Supreme Court in the judgments cited supra, is inclined to allow the present petition.

6.In the light of the above, this transfer civil miscellaneous petition stands allowed with the following directions:



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(i)The proceedings in MC.No.12 of 2021 is withdrawn from the Family Court, Karur, and transferred to the Family Court, Trichy.

(ii)The learned Judge, Family Court, Karur 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, Trichy, who in turn, on receipt of the case, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition stands closed.

17.08.2022

Index: Yes/No

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To

- 1.The Judge,
Family Court,
Karur.
- 2.The Judge,
Family Court,
Trichy.

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