



TR.C.M.P(MD)No.133 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P (MD)No.133 of 2022

and

C.M.P (MD)No.2588 of 2022

S.Bhuvaneswari

... Petitioner

Vs

K.Muraliganesh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw HMOP.No.190 of 2021 on the file of the Sub Court, Tirumangalam and transfer the same to the file of the Sub Court, Sivakasi and try along with HMOP.No.79 of 2021 on the file of the Sub Court, Sivakasi.

For Petitioner : Mr.V.Selvakumar

For Respondent : Mr.P.M.Vishnuvardhan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in HMOP.No.190 of 2021 from the Sub Court, Tirumangalam to the Sub Court, Sivakasi.



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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 25.02.2018, as per the Hindu Rites and Customs. Now the husband filed HMOP.No.190 of 2021 before the Sub Court, Tirumangalam. Since the petitioner / wife is a resident of Virudhunagar district, she has filed this present Transfer Civil Miscellaneous Petition to transfer the above proceedings to the Sub Court, Sivakasi, on the ground that the distance between Sivakasi and Madurai is more than 140 kms, she is depending on her age old parents 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.



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4.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.

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

(i)The proceedings in HMOP.No.190 of 2021 is withdrawn from the Sub Court, Tirumangalam and transferred to the Sub Court, Sivakasi.

(ii)The learned Judge, Sub Court, Tirumangalam 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



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the learned Sub Judge, Sivakasi, who in turn,
on receipt of the case, shall try it along with
HMOP.No.79 of 2021 and shall dispose of the
same as expeditiously as possible.
No costs. Consequently, connected miscellaneous
petition stands closed.

20.07.2022

Index: Yes/No

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To

1. The Sub Judge,
Tirumangalam
2. The Sub Judge,
Sivakasi.



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B. PUGALENDHI , J.

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