



TR.C.M.P(MD).No.124 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.124 of 2022

S.R.Deepthi

... Petitioner

versus

R.Karunamoorthy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.20 of 2022 on the file of the Principal Subordinate Court, Thiruchirappalli and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.D.Senthil

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.20 of 2022 from the file of the Principal Subordinate Court, Thiruchirappalli to the Family Court, Coimbatore.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.06.2005, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed H.M.O.P.No.20 of 2022 before the Principal Subordinate Court, Thiruchirappalli, seeking divorce. Since the petitioner/wife is a resident of Coimbatore, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.20 of 2022 from the file of the Principal Subordinate Court, Thiruchirappalli to the Family Court, Coimbatore.



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3.The learned counsel appearing for the petitioner submits that the distance between Coimbatore and Thiruchirappalli is around 225 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Principal Subordinate Court, Thiruchirappalli, 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 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.



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6.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.20 of 2022 on the file of the Principal Subordinate Court, Thiruchirappalli is withdrawn and ordered to be transferred to the file of the Family Court, Coimbatore. The learned Principal Subordinate Judge, Thiruchirappalli, is directed to transmit the entire case records to the Family Court, Coimbatore forthwith and the learned Judge, Family Court, Coimbatore, 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.Principal Subordinate Court, Thiruchirappalli
2. Family Court, Coimbatore.



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B.PUGALENDHI, J.

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