



TR.C.M.P(MD).No.135 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.135 of 2022**  
**C.M.P(MD).No.2628 of 2022**

Nandhini

... Petitioner

versus

Suresh Kumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.19 of 2022 on the file of the Family Court, Dindigul and transfer the same to the Family Court, Theni.

For Petitioner : Mr.N.A.Palaniyandi

For Respondent : Mr.C.Mayil Vahana Rajendran

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.19 of 2022 from the file of the



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Family Court, Dindigul to the Family Court, Theni.

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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.02.2020, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed H.M.O.P.No.19 of 2022 before the Family Court, Dindigul, seeking divorce. Since the petitioner/wife is a resident of Theni, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.19 of 2022 from the file of the Family Court, Dindigul to the Family Court, Theni.

3.The learned counsel appearing for the petitioner submits that the distance between Theni and Dindigul is around 95 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Family Court, Dindigul, for each and every hearing.

4.The learned counsel appearing for the respondent objects for transferring the proceedings from the file of the Family Court, Dindigul to



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the Family Court, Theni, since there is a life threat for the respondent at Theni.

5.The Hon'ble Apex Court in the case of ***Amitha Shah vs- Virendar Lal Shah***, reported in ***(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 inconvenience of the wife is to be preferred over the convenience of the husband.

6.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.



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7. Considering the submissions made by either side counsel, this Court is inclined to transfer the proceedings in H.M.O.P.No.19 of 2022 from the file of the Family Court, Dindigul to the Family Court, Madurai, which is a neutral venue. Accordingly, this transfer Civil Miscellaneous Petition is disposed of with a direction that the proceedings in H.M.O.P.No. 19 of 2022 on the file of the Family Court, Dindigul is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Dindigul is directed to transmit the entire case records to the Family Court, Madurai forthwith and the learned Judge, Family Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

**06.07.2022**

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Index : Yes / No

Internet: Yes / No



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- 1.Family Court, Dindigul
2. Family Court, Madurai.



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**B.PUGALENDHI, J.**

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