



TR.C.M.P(MD)No.155 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P (MD)No.155 of 2022

and

C.M.P (MD) .No.413 of 2022

Kalaivani

... Petitioner

Vs

Praveen 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.48 of 2021 on the file of the III Additional Sub Court, Madurai and to transfer the same to the file of the Family Court, Tiruchirappalli.

For Petitioner : Mr.P.Arun Jeyaram

For Respondent : Mr.M.Rajendran

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to transfer the proceedings in HMOP.No.48 of 2021 from the file of the III Additional Sub Court, Madurai to the Family Court, Tiruchirappalli.



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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 09.11.2014, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed HMOPNo.48 of 2021 before the III Additional Sub Court, Madurai seeking divorce. Since the petitioner/wife is a resident of Trichy, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in HMOPNo.48 of 2021 from the file of the III Additional Sub Court, Madurai to the Family Court, Tiruchirappalli.

3.The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the respondent took place in Chennai, where they lived for some time. Thereafter since the respondent got transferred to Trichy, they lived at Trichy. The petitioner is now residing in Trichy. While so, the husband has filed this petition before III Additional Sub Court, Madurai, which has no



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territorial jurisdiction, since neither the marriage had taken place in Madurai nor had they lived in Madurai. Further the distance between Trichy and Madurai is around 125 kms and she is also having a six a year old female child, it is very difficult for the petitioner to travel such a long distance for appearing before the Court in Madurai.

4.The learned Counsel for the respondent submits that the respondent husband is now working in Madurai. Further there is life threat to the respondent in Trichy. On the earlier occasion, the husband was assaulted by the family members of the wife.

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**



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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 HMOPNo.48 of 2021 on the file of the III Additional Sub Court, Madurai is withdrawn and ordered to be transferred to the file of the Family Court, Tiruchirappalli. The learned III Additional Sub Judge, Madurai is directed to forthwith transmit the entire case records to the learned Judge, Family Court, Tiruchirappalli, who in turn shall dispose of the same as expeditiously as possible.

7.It is always open to the respondent to approach the police station concerned, if he faces any problem from the petitioner side. No costs. Consequently, connected miscellaneous petition is closed.

06.07.2022

dsk
Internet: Yes / No

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To

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1. III Additional Sub Judge,
Madurai.
2. The Judge,
Family Court,
Tiruchirappalli.



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B. PUGALENDHI , J.

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