



TR.C.M.P(MD).No.134 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.134 of 2022

and

C.M.P(MD).No.2590 of 2022

Y.Susikala

... Petitioner

versus

T.Asaithambi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw and transfer S.M.O.P.No.135 of 2021 on the file of the Principal District Court, Thanjavur to the Principal District Court, Dindigul.

For Petitioner : Mr.V.R.G.Mohan

For Respondent : No-appearance



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TR.C.M.P(MD).No.134 of 2022

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in S.M.O.P.No.135 of 2021 from the file of the Principal District Court, Thanjavur to the Principal District Court, Dindigul.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.08.1999, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed S.M.O.P.No.135 of 2021 before the Principal District Court, Thanjavur, seeking divorce. Since the petitioner/wife is a resident of Kodaikanal, Dindigul District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in S.M.O.P.No.135 of 2021 from the file of the Principal District Court, Thanjavur to the Principal District Court, Dindigul.

3.The learned counsel appearing for the petitioner submits that the distance between Kodaikanal and Thanjavur is around 350 kms and it is very difficult for the petitioner to travel such a long distance for appearing



TR.C.M.P(MD).No.134 of 2022

before the Principal District Court, Thanjavur, for each and every hearing.

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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 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.

6.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in S.M.O.P.No.135 of 2021 on the file of the Principal District Court, Thanjavur is withdrawn and ordered to be transferred to the file of the Principal District Court, Dindigul. The learned Principal District Judge, Thanjavur, is directed to transmit the entire



TR.C.M.P(MD).No.134 of 2022

case records to the Principal District Court, Dindigul forthwith and the learned Principal District Judge, Dindigul, 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 District Court, Thanjavur
2. Principal District Court, Dindigul.



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TR.C.M.P(MD).No.134 of 2022

B.PUGALENDHI, J.

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TR.C.M.P(MD).No.134 of 2022

06.07.2022