



TR.C.M.P(MD).No.137 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.137 of 2022
C.M.P(MD).No.2636 of 2022

Ramya Priyadarshini

... Petitioner

versus

K.Karthikeyan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.175 of 2021 on the file of the Sub Court, Virudhunagar seeking for divorce and transfer the same to the Family Court, Madurai to be tried along with H.M.O.P.No.1227 of 2021 on the file of the Family Court, Madurai, seeking for restitution of conjugal rights.

For Petitioner : Mr.A.S.Rajeswari

For Respondent : Mr.I.Suthakaran



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.175 of 2021 from the file of the Sub Court, Virudhunagar to the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.07.2019. Subsequently, due to some difference of opinion, the respondent herein/husband filed H.M.O.P.No.175 of 2021 before the Sub Court, Virudhunagar, seeking divorce. Since the petitioner/wife is a resident of Madurai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.175 of 2021 from the file of the Sub Court, Virudhunagar to the Family Court, Madurai.

3.The learned counsel appearing for the petitioner submits that the distance between Madurai and Virudhunagar is around 116 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Sub Court, Virudhunagar, for each and every hearing.



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4 Heard Mr.I.Suthakaran, learned counsel appearing for the respondent. .

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.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.175 of 2021 on the file of the Sub Court, Virudhunagar is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Judge, Sub Court, Virudhunagar, is directed to transmit the entire case records to the Family Court, Madurai, forthwith and the learned Judge, Family Court, Madurai, who in turn, on receipt of the case, shall try it along with H.M.O.P.No.1227 of 2021 and 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.Sub Court, Virudhunagar

2. Family Court, Madurai.



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