



TR.C.M.P(MD)No.146 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.146 of 2022

and

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

Kaveri ... Petitioner
Vs

Sakthimurugan @ Murugan ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw and transfer the HMOP.NO.4 of 2022 from the file of the Sub Court, Devakottai, Sivagangai District to the file of the Sub Court, Lalgudi, Trichy District.

For Petitioner : Mr.R.Prasanna

For Respondent : Mr.S.Madhavan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer the proceedings in HMOP.No.4 of 2022 from the file of the Sub Court, Devakottai, Sivagangai District to the file of the Sub Court, Lalgudi, Trichy District.



TR.C.M.P(MD)No.146 of 2022

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.09.2002, as per the Hindu Rites and Customs. Now the husband filed HMOP.No. 4 of 2022 before Sub Court, Devakottai, Sivagangai District on certain difference of opinion. Since the petitioner / wife is a resident of Trichy district, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in HMOP.No.4 of 2022 from the file of the Sub Court, Devakottai, Sivagangai District to the file of the Sub Court, Lalgudi, Trichy District.

3.The learned counsel appearing for the petitioner submits that the petitioner is having two minor children. The distance between Devakottai and Trichy is 130 kms and it is extremely difficult for the petitioner to travel such a long distance for appearing before the Court for each hearing.



TR.C.M.P(MD)No.146 of 2022

4.The learned Counsel for the respondent raised objection for transferring the case.

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 HMOP.No.4 of 2022 on the file of the Sub Court, Devakottai, Sivagangai District is withdrawn and ordered to be transferred to the file of the Sub Court, Lalgudi, Trichy District. The learned Sub Judge, Devakottai is directed to transmit the

3/5



TR.C.M.P(MD)No.146 of 2022

entire case bundle forthwith to the learned Sub Judge,
Lalgudi, who in turn shall dispose of the same as
expeditiously as possible. No costs. Consequently,
connected miscellaneous petition is closed.

06.07.2022

dsk
Index : Yes / No
Internet: Yes / No

To

1. The Sub Judge,
Devakottai.
2. The Sub Judge,
Lalgudi.



WEB COPY



TR.C.M.P(MD)No.146 of 2022

B. PUGALENDHI , J.

dsk

TR.C.M.P (MD) .No.146 of 2022

06.07.2022