



TR.C.M.P(MD)No.147 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.147 of 2022

and

C.M.P(MD)No.2851 of 2022

B.M.Vela

... Petitioner

Vs

S.Anand

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw and transfer the HMOP.No.16 of 2022 from the file of the Family Court, Nagapattinam and to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.K.Muthumalai

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer the proceedings in HMOP.No.16 of 2022 from the file of the Family Court, Nagapattinam, to the file of the Family Court, Tirunelveli.



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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 14.08.2021, as per the Hindu Rites and Customs. Now the husband filed HMOP.No.16 of 2022 before the Family Court, Nagapattinam on certain difference of opinion. Since the petitioner / wife is a resident of Tirunelveli district, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in HMOP.No.16 of 2022 from the file of the Family Court, Nagapattinam to the file of the Family Court, Tirunelveli.

3.The learned counsel appearing for the petitioner submits that the petitioner submits that distance between Tirunelveli and Nagapattinam is around 400kms and it is extremely difficult for the petitioner to travel such a long distance for appearing before the Court for each hearing.



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4.Though the respondent entered appearance through Counsel, none has represented 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 The proceedings in HMOP.No.16 of 2022 on the file of the Family Court, Nagapattinam is withdrawn and ordered to be transferred to the file of the Family Court, Tirunelveli. The learned Judge, Family Court, Nagapattinam is directed to transmit the entire case

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bundle forthwith to the learned Judge, Family Court,
Tirunelveli, 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 Judge,
Family Court,
Nagapattinam.

2. The Judge,
Family Court,
Tirunelvlei.



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B. PUGALENDHI , J.

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