



Tr.C.M.P(MD)No.159 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.159 of 2022

and

C.M.P(MD) No.2997 of 2022

Swathy

... Petitioner

-Vs-

K.Prakash

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.21 of 2022 on the file of the learned Principal Sub Court, Kumbakonam, Thanjavur District and subsequently transfer the same to the learned Sub Court, Maduranthakam, Chengalpattu District.

For Petitioner : Mr.K.M.Subramaniam

For Respondent : Mr.N.Mohideen Basha

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.21 of 2022 from the file of the Principal Sub Court, Kumbakonam, Thanjavur District to the Sub Court, Maduranthakam, Chengalpattu District.



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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 26.08.2013, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed H.M.O.P.No.21 of 2022 before the Principal Subordinate Court, Kumbakonam, seeking divorce. Since the petitioner/wife is a resident of Chengalpattu, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.21 of 2022 from the file of the Principal Subordinate Court, Kumbakonam to the Sub Court, Maduranthakam, Chengalpattu District.

3.The learned counsel appearing for the petitioner submits that the distance between Kumbakonam and Chengalpattu is around 350 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Principal Subordinate Court, Kumbakonam for each and every hearing.



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4.The learned counsel appearing for the respondent submits that the respondent is not having any serious objections in allowing this petition.

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 Honourable 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 H.M.O.P.No.21 of 2022 on the file of the Principal Sub Court, Kumbakonam, Thanjavur District is withdrawn and ordered to be transferred to the file of the Sub Court, Maduranthakam, Chengalpattu District. The learned Principal Sub Judge, Kumbakonam, Thanjavur is directed to transmit the entire case records to the Sub Court, Maduranthakam, Chengalpattu District forthwith and the



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learned Judge, Sub Court, Maduranthakam, Chengalpattu District, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2022

Index : Yes/No
Internet : Yes/No
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To

- 1.The Principal Sub Court, Kumbakonam, Thanjavur District
- 2.The Sub Court, Maduranthakam, Chengalpattu District
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Order made in
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