



TR.C.M.P(MD).No.184 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.184 of 2022
and
C.M.P(MD).No.3321 of 2022

A.Vidhya

... Petitioner

versus

A.Arivujeevi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.288 of 2021 on the file of the Family Court, Trichirappalli, to the Sub Court, Melur and to be tried along with H.M.O.P.No.20 of 2022.

For Petitioner : Mr.S.Vellaichamy

For Respondent : Mr.S.Vanjinathan



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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.288 of 2021 from the file of the Family Court, Trichirappalli, to the Sub Court, Melur and to be tried along with H.M.O.P.No.20 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 15.05.2013. Subsequently, due to some difference of opinion, the respondent has filed H.M.O.P.No.20 of 2022 before the Sub Court, Melur, seeking divorce and the respondent/husband filed H.M.O.P.No.288 of 2021 before the Family Court, Trichirappalli, for restitution of Conjugal Rights. Since the petitioner/wife is a resident of Madurai District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.288 of 2021 from the file of Family Court, Trichirappalli to the Sub Court, Melur and to be tried along with H.M.O.P.No.20 of 2022.



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3.The learned counsel appearing for the petitioner submits that the distance between Madurai and Trichirappalli is around 107 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Family Court, Trichirappalli, for each and every hearing.

4.Heard the learned counsel appearing 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 H.M.O.P.No.288 of 2021 on the file of the Family Court, Trichirappalli is withdrawn and ordered to be



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transferred to the file of the Sub Court, Melur and to be tried along with H.M.O.P.No.20 of 2022. The learned Judge, Family Court, Trichirappalli, is directed to transmit the entire case records to the Sub Court, Melur, forthwith and the learned Judge, Sub Court, Melur, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2022

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Index : Yes / No

Internet: Yes / No

To

1.Family Court,
Trichirappalli,

2. Sub Court, Melur.



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B.PUGALENDHI, J.

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