



WEB COPY

TR.C.M.P(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.177 of 2022
and C.M.P(MD).No.3162 of 2022

Esakki Selvakumari

... Petitioner/Respondent

versus

Sathishkumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the petition in H.M.P.No.48 of 2021 on the file of the Sub Court, Ramanathapuram and transfer the same to the file of the Principal Sub Court, Tirunelveli.

For Petitioner

: Mr.K.Abiya

For Respondent

: Mr.D.Ramesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.48 of 2021 from the file of the Sub Court, Ramanathapuram to the Principal Sub Court, Tirunelveli.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.09.2019, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent has filed H.M.O.P.No.48 of 2021 before the Sub Court, Ramanathapuram, seeking divorce. Since the petitioner/wife is a resident of Tirunelveli District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.48 of 2021 from the file of the Sub Court, Ramanathapuram to the Principal Sub Court, Tirunelveli.

3.The learned counsel appearing for the petitioner submits that the distance between Ramanathapuram and Thirunelveli is around 170 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Sub Court, Ramanathapuram, 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 The proceedings in H.M.O.P.No.48 of 2021 on the file of the Sub Court, Ramanathapuram is withdrawn and ordered to be transferred to the file of the Principal Sub Court, Tirunelveli. The learned Judge, Sub Court, Ramanathapuram, is directed to transmit the entire case records to the Sub Court, Tirunelveli forthwith and the learned Judge, Sub Court, Tirunelveli, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

- 1.The Judge, Sub Court, Ramanathapuram.
- 2.The Principal Sub Judge, Tirunelveli.

+1 CC to M/s.K.ABIYA, Advocate (SR-31814[F] dated 14/07/2022)

TR.C.M.P(MD) .No.177 of 2022

14.07.2022

nsn(CO)

TR(27.07.2022) 2P 4C