



TR.C.M.P(MD)No.180 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.180 of 2022**

**and**

**C.M.P(MD)No.3222 of 2022**

S.Divya

... Petitioner

Vs

A.Rakesh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of C.P.C, to withdraw HMOP.No.517 of 2020 from the file of the Family Court, Madurai, to the file of the Family Court, Virudhunagar at Srivilliputhur.

For Petitioner : Mr.A.Sivaji

For Respondent : No representation

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking to transfer the proceedings in HMOP.No.517 of 2020 from the file of the Family Court, Madurai to the file of the Family Court, Virudhunagar at Srivilliputhur.



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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 06.09.2018, as per the Hindu Rites and Customs. Now the husband filed HMOP.No.517 of 2020 before the Family Court, Madurai on certain difference of opinion. Since the petitioner / wife is a resident of Virudhunagar District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in HMOP.No.517 of 2020 from the file of the Family Court, Madurai to the file of the Family Court, Virudhunagar at Srivilliputhur.

3.The learned counsel appearing for the petitioner submits that the petitioner is having a two year old female child. The distance between Madurai and Srivilliputhur is nearly 80 kms and it is difficult for the petitioner to travel such a long distance for appearing before the Court for each hearing.



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4.Though notice is served on the respondent, no one represents on behalf of 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.517 of 2020 on the file of the Family Court, Madurai is withdrawn and ordered to be transferred to the file of the Family Court, Virudhunagar @ Srivilliputhur. The learned Judge, Family Court, Madurai is directed to transmit the

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entire case bundle forthwith to the learned Family Court, Virudhunagar @ Srivilliputhur, 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,  
Madurai.
2. The Judge,  
Family Court,  
Virudhunagar @ Srivilliputhur.



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B. PUGALENDHI , J.

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