



WEB COPY



TR.C.M.P(MD)No.183 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD)No.183 of 2022

and

C.M.P(MD)No.3296 of 2022

Krishna Durga

... Petitioner

Vs

N.Vijayakumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the HMOP No.532 of 2021 on the file of the Family Court, Tiruppur and transfer the same to the file of the Sub Court, Theni.

For Petitioner : Mr.AK.Gopalan

For Respondent : Mr.S.K.Harihara Sudhan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in HMOP.No.532 of 2021 from the Family Court, Tiruppur to the Sub Court, Theni.

2.The learned counsel appearing for the petitioner submits that the petitioner is the wife and the



TR.C.M.P(MD)No.183 of 2022

respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.04.2018, as per the Hindu Rites and Customs. Now the husband filed HMOP.No.532 of 2021 before the Family Court, Tiruppur. Since the petitioner / wife is a resident of Theni district, she has filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings from the Family Court, Tirupur on the ground that the distance between Theni and Tiruppur is more than 250 kms and since no one is there to accompany her, she finds it difficult to appear before Court by travelling such a long distance.

4.No representation for the respondent for the two consecutive hearings.

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



TR.C.M.P(MD)No.183 of 2022

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 The proceedings in HMOP.No.531 of 2021 from the file of the Family Court, Tiruppur is withdrawn and transferred to the file of the Sub Court, Theni. The learned Judge, Family Court, Tiruppur is directed to send the above case records within a period of fifteen days from the date of receipt of a copy of this order to the learned Sub Judge, Theni, who in turn, on receipt of the case, shall try it along with HMOP.No.194 of 2021 and dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition stands closed.

21.07.2022

3/5



TR.C.M.P(MD)No.183 of 2022

To

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1. The Judge,
Family Court,
Tirppur.
2. The Sub-Judge,
Theni.



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TR.C.M.P(MD)No.183 of 2022

B. PUGALENDHI , J.

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TR.C.M.P (MD) No.183 of 2022

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