



TR.C.M.P(MD).No.199 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.199 of 2022

and

C.M.P(MD).No.3582 of 2022

N.Muthu Meenakshi

... Petitioner

v.

Neelakandan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.210 of 2021 on the file of the Sub Court, Aruppukottai and transfer the same to the Sub Court, Muthukulathur.

For Petitioner : Ms.P.Malini

For Respondent : Mr.T.Balaji



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in H.M.O.P.No.210 of 2021 from the file of the Sub Court, Aruppukottai to the file of the Sub Court, Muthukulathur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.03.2012 and out of the wedlock, they are having two female children. Due to some misunderstanding, now, they are living separately and the petitioner has filed a maintenance case in M.C.No.19 of 2021 before the Judicial Magistrate Court, Kamuthi, seeking alimony. Thereafter, the respondent has filed H.M.O.P.No.210 of 2021 before the Sub Court, Aruppukottai, seeking divorce. The petitioner is residing at Kamuthi Town, Ramnad, in her parental house. Since the petitioner is not having sufficient means to travel and meet out her day-to-day expenses, she finds it difficult to travel from Kamuthi to Aruppukottai. Therefore, she filed the present Transfer Civil



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Miscellaneous Petition to transfer the case in H.M.O.P.No.210 of 2021 from the file of the Sub Court, Aruppukottai, to the file of the Sub Court, Muthukulathur.

3. The learned counsel appearing for the petitioner submits that the respondent is not even providing any maintenance to the petitioner and the children. Therefore, they have filed the maintenance case and immediately thereafter, the respondent has filed this application for divorce. She further submits that the respondent has assaulted the petitioner on 11.10.2021, for which, she took treatment at the Government Hospital, Aruppukottai. The outpatient sheet issued by the Hospital was also produced before this Court.

4. Heard the learned counsel appearing for the respondent.

5. The Hon'ble Apex Court in the case of *Amitha Shah vs- Virendar Lal Shah*, reported in *(2003)10 SCC 609* has held that the



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convenience of the wife and more so of the child must be taken into account while deciding the petition for transfer. In the case of Rajani ***Kishor Paradeshi Vs Kishor Babulal Paradeshi reported in (2005) 12 SCC 237***, the Hon'ble Apex Court has held that in such type of transfer petitions, the convenience of the wife is to be preferred over the convenience of the husband.

6. This Court being satisfied with the reasons stated in the affidavit filed in support of this petition and also taking into account that the convenience of wife is to be taken into consideration at the time of considering transfer petitions as held by the Hon'ble Apex Court in the judgments cited supra, is inclined to allow the present petition.

7. In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.210 of 2021 pending on the file of the Sub Court, Aruppukottai, is withdrawn and



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ordered to be transferred to the file of the Sub Court, Muthukulathur.

The learned Judge, Sub Court, Aruppukottai, is directed to transmit the entire case records to the Sub Court, Muthukulathur, forthwith. The learned Judge, Sub Court, Muthukulathur, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2022

Index : Yes / No

Internet: Yes / No

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To

1. The Sub Court,
Muthukulathur.
2. The Sub Court,
Aruppukottai.



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B.PUGALENDHI, J.

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