



TR.C.M.P(MD)No.207 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P (MD)No.207 of 2022

and

C.M.P (MD)Nos.3739 and 5507 of 2022

I.Mary Ruth Delcia

... Petitioner

Vs

A.Charles Arul Arokicaraj

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw FCIDOP.No.357 of 2021 from the Family Court, Chengalpet and transfer the same to the Family Court, Dindigul.

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mr.S.Ruban Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in FCIDOP.No.357 of 2021 from the Family Court, Chengalpet to the Family Court, Dindigul.



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2.The learned counsel appearing for the petitioner submits that the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.05.2009, as per the Christian Rites and Customs. Now the husband filed FCIDOP.No.357 of 2021 before the Family Court, Chengalpet. Since the petitioner / wife is a resident of Dindigul district, she has filed this present Transfer Civil Miscellaneous Petition to transfer the above proceedings to the Family Court, Dindigul, on the ground that the distance between Dindigul and Chengalpet is more than 400 kms, she has given birth to a baby by IVR test tube baby and since no one is there to accompany her, she finds it difficult to appear before Court by travelling such a long distance.

3.The learned Counsel for the respondent has raised his objection to the relief sought for by the petitioner that she is hale and healthy and she can attend the proceedings at Chengalpet.

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4.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.

5.In the light of the above, this transfer civil miscellaneous petition stands allowed with the following directions:

(i)The proceedings in FCIDOP.No.357 of 2021 is withdrawn from the Family Court, Chengalpet and transferred to the Family Court, Dindigul.

(ii)The learned Judge, Family Court, Dindigul 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



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the learned Judge, Family Court, Dindigul, who in turn, on receipt of the case, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition stands closed.

20.07.2022

Index: Yes/No

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To

1. The Judge,
Family Court,
Chengalpet.
2. The Judge,
Family Court,
Dindigul



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B. PUGALENDHI , J.

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