



TR.C.M.P(MD).No.197 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.197 of 2022

and

C.M.P(MD).No.3567 of 2022

Ragavi

... Petitioner

v.

Murali

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.44 of 2022 on the file of the Sub Court, Aruppukottai, Virudhunagar and transfer the same to the Sub Court, Poonamallee, Thiruvallur.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : Mr.M.Solaisamy



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in H.M.O.P.No.44 of 2022 from the file of the Sub Court, Aruppukottai, Virudhunagar to the file of the Sub Court, Poonamallee, Thiruvallur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.02.2021. Due to some misunderstanding, now, they are living separately and the respondent has filed H.M.O.P.No.44 of 2022 before the Sub Court, Aruppukottai, Virudhunagar, seeking divorce. The petitioner has also filed a petition in H.M.O.P.No.394 of 2022 before the Sub Court, Poonamallee, seeking restitution of conjugal rights. The petitioner is residing at Thiruvallur District in her parental house. Therefore, she filed the present Transfer Civil Miscellaneous Petition to transfer the case in H.M.O.P.No.44 of 2022



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from the file of the Sub Court, Aruppukottai, Virudhunagar, to the file of the Sub Court, Poonamallee, Thiruvallur.

3. Learned counsel appearing for the respondent strongly objected this application that the petitioner is working as a Software Engineer and that she is travelling daily from her residence to her place of work. Therefore, it is not as if she finds it difficult to meet the day-to-day expenses or that she is not having any means to travel.

4. 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 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.



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5. Though it is a settled position that the convenience of woman has to be given paramount consideration, the grievance of the husband has to be looked into as well. Here in the case on hand, both the petitioner and respondent are working and as such, the convenience of both the parties has to be looked into. Therefore, considering the plea of the parties, this Court is inclined to transfer the proceedings to the Court at Dindivanam, instead of Ponamallee, which would be convenient to both the parties.

6. Accordingly, this civil revision petition stands disposed of and the proceedings in H.M.O.P.No.44 of 2022 pending on the file of the Sub Court, Aruppukottai, Virudhunagar, is withdrawn and ordered to be transferred to the file of the Sub Court, Dindivanam. The learned Judge, Sub Court, Aruppukottai, Virudhunagar, is directed to transmit the entire case records to the Sub Court, Dindivanam, forthwith. The learned Judge, Sub Court, Dindivanam, shall dispose of the same as



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expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

24.08.2022

Index : Yes / No
Internet: Yes / No
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To

1. The Sub Court,
Aruppukottai, Virudhunagar.
2. The Sub Court,
Dindivanam.



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B.PUGALENDHI, J.

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