



TR.C.M.P(MD).No.252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.252 of 2022
and C.M.P(MD).No.4263 of 2022

Ramalakshmi

... Petitioner/Respondent(Wife)

versus

Dhinakaran

... Respondent/Petitioner(Husband)

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of C.P.C, to withdraw the case in H.M.O.P.No.5 of 2022 on the file of the Subordinate Court, Tirumangalam, Madurai District and transfer the same to the file of the Subordinate Court, Tenkasi.

For Petitioner : Mr.S.Prabha

For Respondent : No appearance



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.5 of 2022 from the file of the Sub Court, Tirumangalam, Madurai District to the Sub Court, Tenkasi.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.11.2010, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent has filed H.M.O.P.No.5 of 2022 before the Sub Court, Tirumangalam, Madurai District, seeking divorce. Since the petitioner/wife is a resident of Tenkasi District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.5 of 2022 from the file of the Sub Court, Tirumangalam, Madurai District to the Sub Court, Tenkasi.

3.The learned counsel appearing for the petitioner submits that the distance between Tenkasi and Tirumangalam is around 170 kms and it is very difficult for the petitioner to travel such a long distance for appearing



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before the Sub Court, Tirumangalam, Madurai District, for each and every hearing.

4. Though notice was served on the respondent and his name has been printed in the cause list, there is no representation on behalf of him either in person or through his counsel.

5.The Hon'ble Apex Court in the case of ***Amitha Shah vs- Virendar Lal Shah***, reported ***(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* and 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 consideration that the convenience of wife is to be taken into consideration at the time of



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considering transfer petitions as held by the Hon'ble Supreme 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.5 of 2022 on the file of the Sub Court, Tirumangalam is withdrawn and ordered to be transferred to the file of the Sub Court, Tenkasi. The learned Judge, Sub Court, Tirumangalam, is directed to transmit the entire case records to the Sub Court, Tenkasi forthwith and the learned Judge, Sub Court, Tenkasi, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2022

Rmk/Ogy

Index : Yes / No

Internet: Yes / No

To

- 1.The Subordinate Judge, Tirumangalam, Madurai District.
- 2.The Subordinate Judge, Tenkasi.



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B.PUGALENDHI, J.

Rmk/Ogy

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