



Tr.C.M.P(MD)No.331 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.331 of 2022

and

C.M.P(MD) No.5553 of 2022

Suguna

... Petitioner

-Vs-

Ranjith

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.71 of 2022 on the file of the Principal Sub Court, Kumbakonam and transfer the same to the file of the Principal Sub Court, Nagapattinam.

For Petitioner : Mr.A.Arun Prasad

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.71 of 2022 from the file of the Principal Sub Court, Kumbakonam to the Principal Sub Court, Nagapattinam.



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2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.08.2020. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.71 of 2022, seeking divorce, before the Principal Sub Court, Kumbakonam. Since the petitioner/wife is a resident of Nagapattinam, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.71 of 2022 from the file of the Principal Sub Court, Kumbakonam to the Principal Sub Court, Nagapattinam.

3.The learned counsel appearing for the petitioner submits that the distance between Kumbakonam and Nagapattinam is 70 kms and hence it is very difficult for her to travel such a long distance to attend the court proceedings and also there is no one to accompany her.



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4.Though notice was served upon the respondent, there is no representation for the respondent either in person or through counsel.

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 convenience of the wife and more particularly the child must be taken into account while deciding the petition for transfer. Further, 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 considering transfer petitions as held by



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the Hon'ble Supreme Court in the judgments cited supra, is inclined to allow the present petition.

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7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.71 of 2022 , on the file of the Principal Sub Court, Kumbakonam is withdrawn and ordered to be transferred to the file of the Principal Sub Court, Nagapattinam. The learned Judge, Principal Sub Court, Kumbakonam is directed to transmit the entire case records to the Principal Sub Court, Nagapattinam forthwith and the learned Judge, Principal Sub Court, Nagapattinam, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

Index : Yes/No

Internet : Yes/No

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- To**
- 1.The Principal Sub Court, Kumbakonam
 - 2.The Principal Sub Court, Nagapattinam.
 - 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Tr.C.M.P(MD)No.331 of 2022
and
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