



TR.C.M.P(MD).No.214 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.214 of 2022

J.Rajalakshmi

... Petitioner

versus

V.Jeyaraman

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.271 of 2022 on the file of the Family Court, Theni District and transfer the same to the learned Subordinate Judge, Melur Taluk, Madurai District or any other appropriate Court.

For Petitioner : Mr.K.Mani
For Respondent : Mr.C.Thamothara Kannan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.271 of 2022 from the file of the



TR.C.M.P(MD).No.214 of 2022

Family Court, Theni District to the learned Subordinate Judge, Melur Taluk, Madurai District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.09.2009, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent has filed H.M.O.P.No.87 of 2021 before the Sub Court, Periyakulam, Theni District and the same was transferred to Family Court, Theni District and renumbered as H.M.O.P.No. 271 of 2022 Nanguneri, seeking divorce. Since the petitioner/wife is a resident of Madurai District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.271 of 2022 from the file of the Family Court, Theni District to the learned Subordinate Judge, Melur Taluk, Madurai District.

3.The learned counsel appearing for the petitioner submits that the distance between Madurai and Theni is around 70 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Family Court, Theni District, for each and every hearing.



TR.C.M.P(MD).No.214 of 2022

WEB COPY

4.Heard the learned counsel appearing for the respondent.

5.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.

6.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.271 of 2022 on the file of the Family Court, Theni District is withdrawn and ordered to be transferred to the file of the learned Subordinate Judge, Melur Taluk, Madurai District. The learned Judge, Family Court, Theni District, is directed to transmit the entire case records to the learned Subordinate Judge, Melur Taluk, Madurai District, forthwith and the learned Subordinate



TR.C.M.P(MD).No.214 of 2022

Judge, Melur Taluk, Madurai District, who in turn shall dispose of the same as expeditiously as possible. No costs.

14.07.2022

tta

Index : Yes / No

Internet: Yes / No

To

1.Family Court, Theni District

2.Subordinate Judge, Melur Taluk,
Madurai District.



WEB COPY



TR.C.M.P(MD).No.214 of 2022

B.PUGALENDHI, J.

tta

TR.C.M.P(MD).No.214 of 2022

14.07.2022