



TR.C.M.P(MD).No.253 of 2022

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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.253 of 2022
and C.M.P(MD).No.4274 of 2022

K.Jeyashree @ Dharani

... Petitioner/Respondent

versus

Ramakrishnan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.24 of 2022 on the file of the Subordinate Court, Dharapuram and transfer the same to the file of the Principal Subordinate Court, Kovilpatti.

For Petitioner : Mr.K.K.Samy

For Respondent : Ms.N.V.Subha priya



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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.24 of 2022 from the file of the Sub Court, Dharapuram to the Principal Sub Court, Kovilpatti.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.03.2020, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent has filed H.M.O.P.No.24 of 2022 before the Sub Court, Dharapuram, seeking divorce. Since the petitioner/wife is a resident of Naduvirpatti, Ettayapuram, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.24 of 2022 from the file of the Sub Court, Dharapuram to the Principal Sub Court, Kovilpatti.

3.The learned counsel appearing for the petitioner submits that the distance between Ettayapuram and Dharapuram is around 250 kms and it is



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very difficult for the petitioner to travel such a long distance for appearing before the Sub Court, Dharapuram, for each and every hearing.

4. Heard the learned counsel appearing for the respondent.

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 considering transfer petitions as held by 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.24 of 2022 on the file of the Sub Court, Dharapuram is withdrawn and ordered to be transferred to the file of the Principal Sub Court, Kovilpatti. The learned Judge, Sub Court, Dharapuram, is directed to transmit the entire case records to the Principal Sub Court, Kovilpatti forthwith and the learned Judge, Principal Sub Court, Kovilpatti, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2022

Rmk

Index : Yes / No

Internet: Yes / No

To

1. The Subordinate Judge, Dharapuram.

2. The Principal Subordinate Judge, Kovilpatti.



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B.PUGALENDHI, J.

Rmk

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