



Tr.C.M.P(MD)No.245 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.245 of 2022

and

C.M.P(MD) No.4168 of 2022

Ramya

... Petitioner

-Vs-

Jeeva

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case on the file of the Family Court, Coimbatore in H.M.O.P.No.1763 of 2022 and transfer the same to the Family Court, Thanjavur.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.A.Sivasubramaniam

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.1763 of 2022 from the file of the Family Court, Coimbatore to the Family Court, Thanjavur.



Tr.C.M.P(MD)No.245 of 2022

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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 20.06.2019, as per the Hindu Rites and Customs. Out of the wedlock, they have blessed with a female baby. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.1763 of 2021, seeking divorce, before the Family Court, Coimbatore. Since the petitioner/wife is a resident of Thanjavur, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No. 1763 of 2021 from the file of the Family Court, Coimbatore to the Family Court, Thanjavur.

3.The learned counsel appearing for the petitioner submits that the distance between Coimbatore and Thanjavur is around 355 kms and the petitioner is finding it very difficult to travel such a long distance along with her two years old female baby to appear before the Family Court, Coimbatore and also there is no one to accompany her.



Tr.C.M.P(MD)No.245 of 2022

WEB COPY

4.The learned counsel appearing for the respondent objects for transfer of the proceedings from the Family Court, Coimbatore to the Family Court, Thanjavur.

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



Tr.C.M.P(MD)No.245 of 2022

WEB COPY

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.1763 of 2022, on the file of the Family Court, Coimbatore is withdrawn and ordered to be transferred to the file of the Family Court, Thanjavur. The learned Judge, Family Court, Coimbatore is directed to transmit the entire case records to the Family Court, Thanjavur forthwith and the learned Judge, Family Court, Thanjavur, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2022

Index : Yes/No
Internet : Yes/No
vrn



Tr.C.M.P(MD)No.245 of 2022

To
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- 1.The Family Court, Coimbatore.
- 2.The Family Court, Thanjavur.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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Tr.C.M.P(MD)No.245 of 2022

B.PUGALENDHI, J.

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Tr.C.M.P(MD)No.245 of 2022

03.08.2022