



TR.C.M.P(MD).No.269 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.269 of 2022
and C.M.P(MD).No.4617 of 2022

R.Sasirekha

... Petitioner/Respondent-Wife

versus

Gouthaman

... Respondent/Petitioner-Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of C.P.C, to withdraw the case in F.C.O.P.No.68 of 2022 on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Pudukkottai.

For Petitioner : Mr.D.Rameshkumar

For Respondent : No appearance



TR.C.M.P(MD).No.269 of 2022

ORDER

WEB COPY

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in F.C.O.P.No.68 of 2022 from the file of the Family Court, Chengalpattu to the Family Court, Pudukkottai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.08.2005, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent has filed F.C.O.P.No.68 of 2022 before the Family Court, Chengalpattu, seeking divorce. Since the petitioner/wife is a resident of Rajagopalapuram, Pudukkottai District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in F.C.O.P.No.68 of 2022 from the file of the Family Court, Chengalpattu to the Family Court, Pudukkottai.

3.The learned counsel appearing for the petitioner submits that the distance between Pudukkottai and Chengalpattu is around 350 kms and it is very difficult for the petitioner to travel such a long distance for



TR.C.M.P(MD).No.269 of 2022

appearing before the Family Court, Chengalpattu, 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 inconvenience 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



TR.C.M.P(MD).No.269 of 2022

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 F.C.O.P.No.68 of 2022 on the file of the Family Court, Chengalpattu is withdrawn and ordered to be transferred to the file of the Family Court, Pudukkottai. The learned Judge, Family Court, Chengalpattu, is directed to transmit the entire case records to the Family Court, Pudukkottai forthwith and the learned Judge, Family Court, Pudukkottai, 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 Judge, Family Court, Chengalpattu.
- 2.The Judge, Family Court, Pudukkottai.



WEB COPY



TR.C.M.P(MD).No.269 of 2022



WEB COPY



TR.C.M.P(MD).No.269 of 2022

B.PUGALENDHI, J.

Rmk

TR.C.M.P(MD).No.269 of 2022

20.07.2022