



TR.C.M.P(MD)No.285 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD)No.285 of 2022

and

C.M.P(MD)No.4790 of 2022

Kaleeswari ... Petitioner
Vs

P.Ashok Kumar ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw HMOP.No.48 of 2022 pending before the Sub Court, Sattur and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.C.M.Arumugam

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to transfer the proceedings in HMOP.No.48 of 2022 from the file of the Sub Court, Sattur to the Family Court, Madurai.



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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 12.09.2019, as per the Hindu Rites and Customs. Now the husband filed HMOP.No. 48 of 2022 before Sub Court, Sattur on certain difference of opinion. Since the petitioner / wife is a resident of Madurai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in HMOP.No.48 of 2022 from the file of the Sub Court, Sattur to the file of the Family Court, Madurai.

3.The learned counsel appearing for the petitioner submits that the petitioner is having a two year old female child. She is depending upon of her aged parents for the fulfilment of her basic needs. Further, the distance between Madurai and sattur is nearly 90 Kms, which takes more than 2½ hours and it is extremely difficult for the petitioner to travel such a long distance for appearing before the Court for each hearing.



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4.The learned Counsel for the respondent raised objection for transferring the case.

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 HMOP.No.48 of 2022 on the file of the Sub Court, Sattur is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Sub Judge, Sattur is directed to transmit the entire case bundle forthwith to the learned Judge,

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Family Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

06.07.2022

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Index : Yes / No
Internet: Yes / No

To

1. The Sub Judge,
Sattur.
2. The Judge,
Family Court,
Madurai.



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B. PUGALENDHI , J.

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