



TR.C.M.P(MD).No.307 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.307 of 2022

and

C.M.P(MD).No.5149 of 2022

S.Maragatham

... Petitioner

versus

Enokku @ Siren

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C. to withdraw the case in I.D.O.P.No.69 of 2022 pending on the file of the Principal District Court, Madurai and transfer the same to the Principal District Court, Virudhunagar at Srivilliputhur.

For Petitioner : Mr.N.Mohideen Basha
For Respondent : Mr.R.Karunanidhi

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of I.D.O.P.No.69 of 2022 from the file of the Principal District



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Court, Madurai, to the file of Principal District Court, Virudhunagar at Srivilliputhur.

2. The petitioner herein is the wife and the respondent herein is the husband. The marriage between them was solemnized on 25.11.2020, as per Christian Rites and Customs. Due to some misunderstanding, now, both are living separately. Thereafter, the respondent has filed I.D.O.P.No.69 of 2022 before the Principal District Court, Madurai, for divorce. Now, the petitioner is living along with her aged parents at Virudhunagar. Since she is not having sufficient means and there is no one to accompany her, she finds it difficult to travel from Virudhunagar to Madurai. Hence, she filed the present Transfer Civil Miscellaneous Petition to transfer the case in I.D.O.P.No.69 of 2022 from the file of the Principal District Court, Madurai to the file of Principal District Court, Virudhunagar at Srivilliputhur.



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3. The learned counsel appearing for the petitioner submits that the petitioner is living along with her aged parents at Virudhunagar. Further, she is not having sufficient means to travel and she also depends upon her parents to meet out her day-to-day expenses. Since there is no one to accompany her, she finds it difficult to travel from Virudhunagar to Madurai, for appearing before the Principal District Court, Madurai, for each and every hearing.

4. The learned counsel appearing for the respondent submits that the petitioner is having some health issues and by suppressing the same, the marriage was performed.

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



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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, by 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 and also taking into consideration the fact that the petitioner is having some health issues and there is no one to accompany her, is inclined to allow the present petition.

7. Accordingly, the Transfer Civil Miscellaneous petition stands allowed. The proceedings in I.D.O.P.No.69 of 2022 pending on the file of the Principal District Court, Madurai, is withdrawn and ordered to be transferred to the file of Principal District Court, Virudhunagar at Srivilliputhur. The Principal District Court, Madurai, is directed to



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transmit the entire case records to the Principal District Court, Virudhunagar at Srivilliputhur, forthwith. The learned Principal District Judge, Virudhunagar at Srivilliputhur, shall dispose of the case as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2022

Index : Yes / No
Internet: Yes / No
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To

1. The Principal District Court,
Madurai.
2. The Principal District Court,
Virudhunagar at Srivilliputhur.



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B.PUGALENDHI, J.

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