



Tr.C.M.P(MD)No.389 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.389 of 2021

and

C.M.P(MD) No.7720 of 2021

Umabarathi

... Petitioner

-Vs-

Vignesh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.139 of 2021 pending on the file of the Principal Sub Court, Kovilpatti and to transfer the same to the Family Court, Madurai.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.139 of 2021 from the file of the Principal Sub Court, Kovilpatti 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 05.02.2020, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the husband filed H.M.O.P.No.139 of 2021 before the Subordinate Court, Kovilpatti, seeking divorce. Since the petitioner/wife is a resident of Madurai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.139 of 2021 from the file of the Principal Sub Court, Kovilpatti to the Family Court, Madurai.

3.The learned counsel appearing for the petitioner submits that the distance between Kovilpatti and Madurai is around 105 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Principal Subordinate Court, Kovilpatti for each and every hearing.

4.Though notice was ordered to the respondent, it was returned with an endorsement “unclaimed”.



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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 Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**, I am inclined to allow the present petition.

6.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.139 of 2021 on the file of the Principal Subordinate Court, Kovilpatti is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Principal Subordinate Judge, Kovilpatti is directed to transmit the entire case records to the Family Court, Madurai forthwith and the learned Judge, Family Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2022

Index : Yes/No

Internet : Yes/No

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To

- 1.The Principal Subordinate Court, Kovilpatti.
- 2.The Family Court, Madurai.
- 2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Order made in
Tr.C.M.P(MD)No.389 of 2021

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