



Tr.C.M.P(MD)No.331 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.331 of 2021

and

C.M.P(MD) No.6889 of 2021

S.Suganya

... Petitioner

-Vs-

A.Paranitharan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the proceedings in H.M.O.P.No.556 of 2021, from the file of the Family Court, Madurai District to the Sub Court, Kovilpatti, Tuticorin District.

For Petitioner : Mr.M.Senthil Kumar

For Respondent : Mr.Jeyasekaran

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.556 of 2021 from the file of the Family Court, Madurai to the Sub Court, Kovilpatti, Tuticorin District.



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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 23.05.2021, as per Hindu Rites and Customs. Within 15 days, from the date of marriage, the respondent has sent a legal notice to the petitioner stating that the petitioner is suffering with some illness and the respondent is not willing to live with her and he also filed H.M.O.P.No.556 of 2021 before the Family Court, Madurai seeking divorce. Since the petitioner/wife is a resident of Tuticorin, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.556 of 2021 from the file of the Family Court, Madurai to the Subordinate Court, Kovilpatti, Tuticorin.

3.The learned counsel appearing for the respondent submits that the respondent is working in Army and the petitioner suppressed her illness at the time of marriage and therefore the husband has filed the petition for divorce. He further submits that there is scope for settlement, if the matter is referred to Mediation and requested to refer the matter to mediation.



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4. Heard the learned counsel on either side and perused the materials placed on record.

5. This Court issued general instructions to the Counsel that if the parties want to settle the issue through mediation, they can very well file a memo before this Court, so that the matter can be referred to mediation. Even then, the respondent's counsel has made a oral request. Hence, this Court is not inclined to accept the same.

6. 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 Honourable 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.

7. In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.556 of 2021 on



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the file of the Family Court, Madurai is withdrawn and ordered to be transferred to the file of the Sub Court, Kovilpatti, Tuticorin. The learned Judge, Family Court, Madurai is directed to transmit the entire case records to the Sub Court, Kovilpatti forthwith and the learned Judge, Sub Court, Kovilpatti, 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 Family Court, Madurai.
- 2.The Sub Court, Kovilpatti, Tuticorin.
- 3.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
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