



Tr.C.M.P(MD)No.390 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.390 of 2022

and

C.M.P(MD) No.6362 of 2022

S.Megala

... Petitioner

-Vs-

V.Balamurugan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.72 of 2022 on the file of the Sub Court, Virudhunagar, Virudhunagar District and transfer the same to the Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.P.Vijai

For Respondent : Mr.T.Lenin Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.72 of 2022 from the file of the Sub Court, Virudhunagar to the Sub Court, Thirumangalam.



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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 24.11.2017. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.72 of 2022, seeking divorce, before Sub Court, Virudhunagar. Since the petitioner/wife is a resident of Thirumangalam, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.72 of 2022, from the file of the Sub Court, Virudhunagar to the Sub Court, Thirumangalam.

3.The learned counsel appearing for the petitioner submits that the petitioner could not travel from Thirumangalam to Virudhunagar as there is no one to accompany her and also she is not having any means to travel.

4.The learned counsel appearing for the respondent strongly objects for transfer of the proceedings in H.M.O.P.No.72 of



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2022, from the file of the Sub Court, Virudhunagar to the Sub Court, Thirumangalam.

5.The Hon'ble Apex Court in the case of ***Amitha Shah vs- Virendar Lal Shah***, reported in ***(2003)10 SCC 609***, has held that the convenience of the wife and more particularly the child must be taken into account while deciding the petition for transfer. Further, 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 convenience of the wife is to be preferred over the convenience of the husband.

6.Though the learned counsel appearing for the respondent raised certain objections for transfer of the proceedings, 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 considering transfer petitions as held by the Hon'ble Supreme Court



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in the judgments cited supra, is inclined to allow the present petition.

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7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.72 of 2022, on the file of the Sub Court, Virudhunagar is withdrawn and ordered to be transferred to the Sub Court, Thirumangalam. The learned Subordinate Judge, Virudhunagar is directed to transmit the entire case records to the Sub Court, Thirumangalam forthwith and the learned Subordinate Judge, Thirumangalam, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes/No

Internet : Yes/No

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To

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- 1.The Sub Court, Virudhunagar.
- 2.The Sub Court, Thirumangalam.
- 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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