



WEB COPY



TR.C.M.P(MD)No.346 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR CMP(MD)No.346 of 2022 and
CMP(MD)No.6630 of 2022

P.Murugan		... Petitioner
	Vs	
S.Ramkumari		... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the OP.No.1202 of 2022 on the file of VII Additional Family Court, Chennai and transfer the same to Family Court, Nagercoil.

For Petitioner : Mr.D.Saravanan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in OP.No.1202 of 2022 from the VII Additional Family Court, Chennai to Family Court, Nagercoil.

2.The husband has filed this petition.
The marriage between the petitioner and the respondent



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was solemnised in the year 2015. Due to difference of opinion the respondent wife has filed a petition seeking divorce before the VII Additional Family Court, Chennai in OP.No.1202 of 2022, which is now sought to be transferred the Family Court, Nagercoil, on the ground that the petitioner is working in Nagercoil and he is looking after his parents and therefore, he finds it difficult to appear before the Court in Chennai.

3.The learned Counsel for the petitioner submits that the petitioner has served in Indian Army and has got voluntary retirement. The wife is taking all the monetary benefits, deriving from his employment. Further, the respondent is a close relative of the petitioner and it is also a love marriage and if the matter is referred to mediation there is possibility of settling the issue.

4.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*



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wife and more so of the child must be taken into account while deciding the petition for transfer and 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.

5.Though the petitioner claims that there is a possibility of settlement if the matter is referred for mediation, the petitioner is having the opportunity of getting the counselling before Family Court, Chennai.

6.In view of the above decision and being not satisfied with the reasons stated by the petitioner, this transfer civil miscellaneous petition stands dismissed. No costs.

23.09.2022

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To
The Judge,
VII Additional Family Court, Chennai

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