



Tr.C.M.P(MD)No.550 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.550 of 2022

and

C.M.P(MD) No.8745 of 2022

Vencyruthpriya

... Petitioner

-Vs-

V.David

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.207 of 2022 pending on the file of the I Additional District Court, Madurai to the file of the Principal District Court at Srivilliputhur.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.S.Vinothkumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in I.D.O.P.No.207 of 2022 from the file of the I Additional District Court, Madurai to the file of the Principal District Court at Srivilliputhur.



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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 27.04.2013. Out of the wedlock, they have blessed with a female child on 07.02.2014. Subsequently, due to some difference of opinion, the respondent filed I.D.O.P.No.207 of 2022, seeking divorce, before the I Additional District Court, Madurai. Since the petitioner/wife is a resident of Srivilliputhur, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in I.D.O.P.No.207 of 2022 from the file of the I Additional District Court, Madurai to the file of the Principal District Court at Srivilliputhur.

3.The learned counsel appearing for the petitioner submits that the distance between Srivilliputhur and Madurai is around 85 kms. The learned counsel further submits that the petitioner could not travel such a long distance as she is having a female child and also there is no one to accompany her.



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4.The learned counsel appearing for the respondent strongly objects for transfer of the proceedings in I.D.O.P.No.207 of 2022 from I Additional District Court, Madurai to the Principal District Court at Srivilliputhur.

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



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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, is inclined to allow the present petition.

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in I.D.O.P.No.207 of 2022, on the file of the I Additional District Court, Madurai is withdrawn and ordered to be transferred to the file of the Principal District Court at Srivilliputhur. The learned I Additional District Judge, Madurai is directed to transmit the entire case records to the Principal District Court at Srivilliputhur forthwith and the learned Principal District Judge, Srivilliputhur, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes/No

Internet : Yes/No

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To

- 1.The I Additional District Court, Madurai
- 2.The Principal District Court, Srivilliputhur.
- 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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Tr.C.M.P(MD)No.550 of 2022
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11.11.2022