



TR.CMP(MD)No.623 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.CMP(MD)No.623 of 2022
and
CMP(MD)No.10014 of 2022

S.Subbulakshmi ... Petitioner

Vs

R.Ramachandran ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw and transfer the HOMP.No.897 of 2022 from the file of the Family Court, Madurai to the Family Court, Srivilliputhur.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.M.Gurusamy

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case in HMOP.No.897 of 2022 from Family Court, Madurai to Family Court, Srivilliputhur.



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2.The marriage between the petitioner and the respondent was solemnized on 19.02.2016.

Now the respondent has filed a petition in HMOP.No.897 of 2022 before the Family Court, Madurai, seeking restitution of conjugal rights, which is sought to be transferred to the Family Court, Srivilliputhur by the petitioner on the ground that she is residing in Srivilliputhur, the distance between Srivilliputhur and Madurai is around 80 KMs and no one is there to accompany her to the Court at Madurai.

3.The learned Counsel for the petitioner submits that the petitioner is residing along with her parents at Srivilliputhur and therefore, she finds it difficult to appear before the Court at Madurai as no one is there to accompany her.

4.The learned Counsel for the respondent opposed this petition.



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5.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 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.

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



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7. Accordingly, this transfer civil miscellaneous petition stands allowed with the following directions:

(i) The case in HMOP.No.897 of 2022 on the file of the Family Court, Madurai is transferred to the Family Court, Srivilliputhur.

(ii) The learned Judge, Family Court, Madurai is directed to send the above case records within a period of fifteen days from the date of receipt of a copy of this order to the learned Judge, Family Court, Srivilliputhur, who in turn, on receipt of the case, shall dispose of it as expeditiously as possible. No costs. Consequently, connected miscellaneous petition stands closed.

09.12.2022

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To

1. The Judge,
Family Court, Madurai.

2. The Judge,
Family Court, Srivilliputhur.

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B. PUGALENDHI , J.

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