



Tr.C.M.P(MD)No.682 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2022

CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Tr.C.M.P(MD)No.682 of 2022

and

C.M.P(MD) No.10872 of 2022

Dhanalakshmi

... Petitioner

-Vs-

1.Manikandan

2.Alagarsamy

... Respondents

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw G.W.O.P.No.221 of 2022 on the file of the I Additional District and Sessions Court, Madurai and transfer the same to the Principal District Court, Sivagangai District.

For Petitioner : Mr.E.Balasubramanian

### **ORDER**

The wife filed this Transfer Civil Miscellaneous Petition to transfer G.W.O.P.No.221 of 2022, which is pending on the file of the I Additional District and Sessions Court, Madurai to the Principal District Court, Sivagangai.



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2.The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the first respondent husband was solemnized on 14.06.2010 and out of the wedlock, they were blessed with three children. Subsequently, due to some misunderstanding, they separated. The husband filed G.W.O.P.No.221 of 2022 before the I Additional District and Sessions Court, Madurai. Since the petitioner/wife is a resident of Sivagangai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in G.W.O.P.No.221 of 2022 from the file of the I Additional District and Sessions Court, Madurai to the file of the Principal District Court, Sivagangai.

3.The learned counsel further submits that one of the children was forcibly taken by the husband and also she filed Habeas Corpus Petition before this Court and this Court was not entertained the petition. However, this Court permitted the parties to work out their remedy before the Civil Court. Therefore, the respondent filed



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above G.W.O.P.No.221 of 2022 before the Principal District Court, Madurai. Now the petitioner by claiming that she is having no means and no support to attend the Court proceedings at Madurai has filed this application. It is also confessed by the petitioner's counsel that the children are with the respondent husband.

4.Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

5.Admittedly, G.W.O.P.No.221 of 2022 was filed by the respondent before the I Additional District and Sessions Court, Madurai. The parties are having three children and all these children are with the respondent husband and they are taken care of by the respondent alone.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. In the present case on hand, the children are with the



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respondent /husband.

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6.In view of the above, this Court is not inclined to entertain this Transfer Civil Miscellaneous Petition. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

**16.11.2022**

Index : Yes/No

Internet : Yes/No

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**To**

1.I Additional District and Sessions Court, Madurai

2.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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**and**  
**C.M.P(MD) No.10872 of 2022**

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