



TR.C.M.P.(MD) No.219 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.219 of 2023

and

C.M.P.(MD) No.4727 of 2023

Shyamala

... Petitioner

Vs.

A.Thilakchandar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.130 of 2022 on the file of the Family Court, Dindigul and transfer the same to the file of the Principal Subordinate Court, Palani to be tried along with H.M.O.P.No.184 of 2022.

For Petitioner : Mr.F.X.Eugene

For Respondent : Mr.V.Kannan

ORDER

This Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.130 of 2022 pending on the file of the Family Court,



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Dindigul to the Principal Subordinate Court, Palani for being tried along with H.M.O.P.No.184 of 2022 filed by the petitioner.

2. The learned counsel for the respondent submits that the respondent is working as a Manager in TNPL at Manaparai and has to travel about 130 kms on an every occasion in case H.M.O.P.No.130 of 2022 is transferred to the Principal Subordinate Court, Palani and therefore submits that the present Transfer Civil Miscellaneous Petition is liable to be dismissed.

3. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

4. The law on the subject is very clear. As per the decision of the Hon'ble Supreme Court in **Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap**, (2016) 14 SCC 356, while deciding the transfer petition of matrimonial proceedings under Section 25 of the Code of Civil Procedure, 1908, the comparative hardship faced by the wife has to be taken into account.



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5. That apart, the petitioner is taking care of the minor child aged about 1½ years. Although the respondent is working at Manaparai, there is no justification in the objection of the respondent.

6. In view of the above, H.M.O.P.No.130 of 2022 pending on the file of the Family Court, Dindigul is directed to be transferred to the Principal Subordinate Court, Palani for being tried along with H.M.O.P.No.184 of 2022 filed by the petitioner.

7. The Principal Subordinate Court, Palani shall dispose of both the H.M.O.P.s. filed by the petitioner and the respondent, as expeditiously as possible, preferably, within a period of 9 months from the date of receipt of a copy of this order.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

09.06.2023

NCC : Yes / No
Internet: Yes/No
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C.SARAVANAN, J.

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To

- 1.The Family Court,
Dindigul.
- 2.The Principal Subordinate Court,
Palani.

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