



Tr.C.M.P.(MD) No.323 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

Tr.C.M.P.(MD) No.323 of 2023

and

C.M.P(MD) No.7088 of 2023

Manjukokila

... Petitioner

Vs.

R.Shunmugaraja

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.46 of 2023 on the file of the Subordinate Court, Kovilpati and transfer the same to the file of the Family Court, Tirunelveli to be tried along with M.C.No.21 of 2023 pending on the file of the Family Court, Tirunelveli.

For Petitioner : Mr.R.J.Karthick

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife for transfer of H.M.O.P.No.46 of 2023 from the file of the Subordinate Court, Kovilpati to the file of the Family Court, Tirunelveli to be tried along with M.C.No.21 of 2023.



Tr.C.M.P.(MD) No.323 of 2023

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2. Notice being served on the respondent/husband and his name being printed in the cause list, there is no representation on the side of the respondent/husband.

3. According to the petitioner/wife, the respondent/husband filed H.M.O.P.No.46 of 2023 before the Subordinate Court, Kovilpatti for dissolution of marriage solemnized between the petitioner and the respondent on 04.07.2014. At the same time, the petitioner/wife filed M.C.No.21 of 2023 before the Family Court, Tirunelveli for maintenance which is said to be pending.

4. It is submitted that the respondent/husband for his own convenience has filed the above H.M.O.P. before the Subordinate Court, Kovilpatti and the petitioner/wife has to travel from Tirunelveli to Kovilpatti nearly 61 kms which may take minimum of 2 hours to travel on road. It is submitted that the petitioner's father died and her mother is suffering from old age ailments and therefore, the petitioner being a woman is not in a position to travel alone to Kovilpatti. It is also submitted that the respondent/husband and his family members may do anything to achieve their needs and she is scared of going to



Tr.C.M.P.(MD) No.323 of 2023

Kovilpatti alone. Therefore, the petitioner was constrained to approach this Court for transfer of H.M.O.P. from the Subordinate Court, Kovilpatti to the Family Court, Tirunelveli to be tried along with M.C. filed by her for maintenance.

6. The Hon'ble Supreme Court in the case of **Aarti Rani @ Pinki Devi and others Vs Dharmender Kumar Gupta** reported in **2008 (9) SCC 353** held that convenience of woman is to be taken into consideration.

7. Therefore, considering the facts and circumstances of the case, H.M.O.P.No.46 of 2023 is directed to be transferred from the file of the Subordinate Court, Kovilpatti to the file of the Family Court, Tirunelveli to be tried along with M.C.No.21 of 2023.

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

21.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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Tr.C.M.P.(MD) No.323 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

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To

- 1.The Subordinate Judge,
Kovilpati.
- 2.The Judge Family Court,
Tirunelveli.

Tr.C.M.P.(MD) No.323 of 2023
and C.M.P(MD) No.7088 of 2023

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