



Tr.C.M.P.(MD) No.338 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

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

Tr.C.M.P.(MD) No.338 of 2023

and

C.M.P(MD) No.7339 of 2023

P.Krithika

... Petitioner

Vs.

D.Madhan Kumar

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the divorce petition filed by the respondent in H.M.O.P.No.1119 of 2022 on the file of the Family Court, Madurai and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.L.P.Maurya

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife for transfer of H.M.O.P.No.1119 of 2022 from the file of the Family Court, Madurai to the file of the Family Court, Coimbatore.



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2. 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.1119 of 2022 under Sections 12(1)(c) and 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Family Court, Madurai for divorce.

4. It is submitted that the petitioner is working in Exterro R & D Pvt. Ltd. at Coimbatore and residing along with her ailing father, mother and brother and also attending to their medical needs. It is further submitted that the petitioner's father had depression disorder since 2008 and is on medication and her mother's both kidneys have failed in 2020 and is on periodical dialysis & treatment and also her brother's kidneys have failed in 2020 and he had a kidney transplant in January, 2023.

5. The learned counsel for the petitioner would submit that it is difficult for the petitioner being a woman to travel alone to Madurai without assistance of her parents who are patients, as the distance between Coimbatore and Madurai up and down is about 450 kms and therefore, the petitioner approached this Court for transfer of H.M.O.P.No.1119 of 2022 from the file of the Family Court, Madurai to the file of the Family Court, Coimbatore.



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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 and the difficulties facing by the petitioner/wife, H.M.O.P.No.1119 of 2022 is directed to be transferred from the file of the Family Court, Madurai to the file of the Family Court, Coimbatore.

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

09.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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To
1.The Judge, Family Court,
Madurai

2.The Judge, Family Court,
Coimbatore.



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K.GOVINDARAJAN THILAKAVADI, J.

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