



TR.C.M.P.(MD) No.370 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM

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

TR.C.M.P.(MD) No.370 of 2023

and

C.M.P.(MD) No.7882 of 2023

M.Hema Priya

... Petitioner

Vs.

C.Amarnath

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.31 of 2023 on the file of the Additional Sub Court, Nanguneri and transfer the same to Sub Court, Devakottai.

For Petitioner : Mr.K.Sekar

For Respondent : Mr.R.Jenifar Bibin

ORDER

This Transfer Civil Miscellaneous Petition has been filed for transfer of H.M.O.P.No.31 of 2023 from the Additional Subordinate Court, Nanguneri to the Subordinate Court, Devakottai.



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WEB COPY 2. According to the petitioner/wife, the respondent/husband has filed H.M.O.P.No.31 of 2023 under Section 12(1)(a) of the Hindu Marriage Act before the Additional Subordinate Court, Nanguneri to declare the marriage solemnized between the petitioner and the respondent on 20.08.2021 as null and void, on the ground that the marriage has not been consummated.

3. It is submitted that the respondent/husband has filed the above H.M.O.P. based on the false allegation. It is submitted that the petitioner has studied B.Ed. and passed Teachers Eligibility Test and is now preparing to attend interviews in order to get teachers post. It is submitted that the petitioner is residing at Pallathur, Karaikudi Taluk with her parents and the distance between the Pallathur and Nanguneri is 300 kilometers and it is extremely difficult for the petitioner to travel and conduct the case at Nanguneri. Therefore, the petitioner was constrained to approach this Court for transfer of H.M.O.P.No.31 of 2023 from the Additional Subordinate Court, Nanguneri to the Subordinate Court, Devakottai.



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4. 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.

5. Therefore, considering the facts and circumstances of the case, H.M.O.P.No.31 of 2023 is directed to be transferred from the Additional Subordinate Court, Nanguneri to the Subordinate Court, Devakottai. However, the learned Subordinate Judge, Devakottai shall not insist on the appearance of the respondent/husband on every hearings.

6. 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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To

1.The Additional Subordinate Judge, Nanguneri.

2.The Subordinate Judge, Devakottai.



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K.GOVINDARAJAN THILAKAVADI, J.

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