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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.426 of 2023
and
C.M.P(MD)No.8932 of 2023

S.Devika ... Petitioner / Respondent

Vs.

S.Arunkumar ... Respondent / Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of Civil Procedure Code, to withdraw the case on the file of the learned Subordinate Judge, Devakottai, Sivagangai District in H.M.O.P.No. 103 of 2023 and transfer the same to the learned Subordinate Judge, Aranthangi, Pudukkottai District.

For Petitioner	:Mr.K.Vamanan
For Respondent	:No Appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.103 of 2023 on the file of the learned Subordinate Judge, Devakottai, Sivagangai District and transfer the same to the learned Subordinate Judge, Aranthangi, Pudukkottai District.



2. Heard the learned counsel appearing for the petitioner and also perused the materials available on record.

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3. The learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 14.02.2022. Now, the petitioner is doing Ph.D., at Indian Agricultural Research Institute(IRAI) Delhi. At the time of marriage, the respondent has no objection to complete the Ph.D. The respondent/husband is an Engineering graduate and he is working at Chennai. After the marriage, the respondent has expressed his displeasure to continue her Ph.D., studies at Delhi. In the mean time, the petitioner was pregnant and the same was informed to the respondent, but he doubted her pregnancy and also driven her out from the matrimonial home. Now, the petitioner is residing in her parental home at Aranthangi. In such circumstances, the respondent/husband filed a petition in H.M.O.P.No.103 of 2023 before the Subordinate Court, Devakottai, for divorce. The distance between Aranthangi to Devakottai is approximately 100 Kms and the petitioner is in advanced stage of pregnancy and without assistance of others, she is not able to travel from Aranthangi to Devakottai. Hence, she prays for transferring the case from Devakottai to Aranthangi.



4.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference.

Therefore, I am of the view that the petition filed by the wife is liable to be ordered.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.103 of 2023 pending on the file of the Subordinate Court, Devakottai, Sivagangai District, is ordered to be withdrawn and transferred to the file of the Subordinate Court, Aranthangi, Pudukkottai District. The learned Subordinate Judge, Aranthangi, Pudukkottai District, is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 103 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry if any. No costs. Consequently, the connected miscellaneous petition is closed.

24.08.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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K.GOVINDARAJAN THILAKAVADI, J.

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To

- 1.The Subordinate Judge,
Devakottai, Sivagangai District.
- 2.The Subordinate Judge,
Aranthangi, Pudukkottai District.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P(MD)No.426 of 2023
and
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