



Tr.C.M.P(MD)No.562 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.562 of 2022
and
C.M.P(MD) No.8961 of 2022

Ramya

... Petitioner

-Vs-

Dhinesh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.86 of 2022 on the file of the Sub Court, Pattukottai and transfer the same to the file of the Sub Court, Aranthangi.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Ms.A.Banumathy

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.86 of 2022 from the file of the Sub



Tr.C.M.P(MD)No.562 of 2022

Court, Pattukottai to the Sub Court, Aranthangi.

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2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.03.2018, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.86 of 2022, before the Sub Court, Pattukottai, seeking divorce. Since the petitioner/wife is a resident of Pandikudi Village, Aranthangi Taluk, Pudukottai District, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No. 86 of 2022 from the file of the Sub Court, Pattukottai to the Sub Court, Aranthangi.

3.The learned counsel appearing for the petitioner submits that the petitioner is having three years old child and the distance between Pattukottai and Aranthangi is around 63 kms and it is very difficult for the petitioner to travel such a long distance for appearing before the Sub Court, Pattukottai, for each and every hearing.



Tr.C.M.P(MD)No.562 of 2022

WEB COPY

4.The learned counsel appearing for the respondent strongly objects for transfer of the proceedings in H.M.O.P.No.86 of 2022 from the file of the Sub Court, Pattukottai to the Sub Court, Aranthangi.

5.The Hon'ble Apex Court in the case of ***Amitha Shah vs- Virendar Lal Shah***, reported in ***(2003)10 SCC 609***, has held that the convenience of the wife and more particularly the child must be taken into account while deciding the petition for transfer. Further, in the case of ***Rajani Kishor Paradeshi Vs Kishor Babulal Paradeshi*** reported in ***(2005) 12 SCC 237***, the Hon'ble Apex Court has held that in such type of transfer petitions, the convenience of the wife is to be preferred over the convenience of the husband.

6.Though the learned counsel appearing for the respondent raised certain objections for transfer of the proceedings, this Court being satisfied with the reasons stated in the affidavit filed in support of this petition and also taking into consideration that the convenience of wife is to be taken into consideration at the time of considering transfer petitions as held by the Hon'ble Supreme Court in the judgments cited supra, is inclined to allow the present petition.



Tr.C.M.P(MD)No.562 of 2022

WEB COPY

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.86 of 2022, on the file of the Sub Court, Pattukkottai, is withdrawn and ordered to be transferred to the file of the Sub Court, Aranthangi. The learned Subordinate Judge, Pattukkottai, is directed to transmit the entire case records to the Sub Court, Aranthangi, forthwith and the learned Subordinate Judge, Aranthangi, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

27.01.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Subordinate Judge, Pattukottai.
2. The Subordinate Judge, Aranthangi.



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Tr.C.M.P(MD)No.562 of 2022



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Tr.C.M.P(MD)No.562 of 2022

B.PUGALENDHI, J.

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and
C.M.P(MD) No.8961 of 2022

27.01.2023