



Tr.C.M.P(MD)No.667 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.667 of 2022

and

C.M.P(MD)No.10633 of 2022

G.Chithra @ Jeyachitra

... Petitioner

Vs.

S.Gnanasekarapandian

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Code of Civil Procedure, to withdraw H.M.O.P.No.60 of 2020, from the file of Subordinate Court, Virudhunagar to the Subordinate Court, Muthukulathur.

For Petitioner : M/s.P.Malini

For Respondent : Mr.B.Michael Sebastin

ORDER

This Transfer Civil Miscellaneous Petition is filed for transfer of the proceedings in H.M.O.P.No.60 of 2020, from the file of Subordinate Court, Virudhunagar to the Subordinate Court,



Tr.C.M.P(MD)No.667 of 2022

Muthukulathur.

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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 09.03.2017. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.60 of 2020, seeking dissolution of marriage, which is pending before the Sub Court, Virudhunagar. Since the petitioner/wife is a resident of Ramanathapuram, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.60 of 2020, from the file of Subordinate Court, Virudhunagar to the Subordinate Court, Muthukulathur.

3.The learned counsel appearing for the petitioner submits that now the petitioner is residing along with her parents at Ramanathapuram and she finds it very difficult to travel from Ramanathapuram to attend the court proceedings at Virudhunagar, as her health condition is deteriorating.



Tr.C.M.P(MD)No.667 of 2022

WEB COPY

4.The learned counsel appearing for the respondent objects for transfer of the proceedings.

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.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.667 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.60 of 2020, on the file of the Subordinate Court, Virudhunagar is withdrawn and ordered to be transferred to the file of the Subordinate Court, Muthukulathur. The learned Judge, Sub Court, Virudhunagar is directed to transmit the entire case records to the Sub Court, Muthukulathur forthwith and the learned Subordinate Judge, Muthukulathur, who in turn shall dispose of the same as expeditiously as possible, preferably within a period of 15 months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vrn



Tr.C.M.P(MD)No.667 of 2022

To

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- 1.The Subordinate Court, Virudhunagar.
- 2.The Subordinate Court, Muthukulathur.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD)No.667 of 2022

C.SARAVANAN ,J.

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