



TR.CMP(MD)No.609 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.CMP(MD)No.609 of 2022

and

C.M.P(MD)No.9765 of 2022

Monika		... Petitioner
	Vs	
Joe Arun Rajan		... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw IODP.No.268 of 2022 on the file of the Family Court, Sivagangai and to transfer the same to the Family Court, Madurai.

For Petitioner : Ms.A.Amala

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case in IDOP.No.268 of 2022 from Family Court, Sivagangai to Family Court, Madurai.



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2.The marriage between the petitioner and the respondent was solemnized on 08.09.2021. There are differences of opinion between them. Therefore, the petitioner has filed a petition in IDOP No.1013 of 2022 seeking divorce before Family Court, Madurai. Subsequently, the respondent has filed a petition IDOP.No.268 of 2022 seeking divorce before the Family Court, Sivagangai. Since the petitioner / wife is a resident of Madurai district, she has filed this present Transfer Civil Miscellaneous Petition to transfer the above proceedings from Family Court, Sivagangai to Family Court, Madurai on the ground that she is depending upon her aged parents, no one is there to accompany her and therefore she finds it difficult to appear before Court at Sivagangai.

3.The learned Counsel for the petitioner submits that the petitioner is depending upon her parents and she has already filed a petition seeking divorce before the Family Court, Madurai. Therefore, the learned Counsel prays for allowing this petition.



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4.Though the respondent has been served notice and name has also been printed, there is no representation for the respondent.

5.The Hon'ble Apex Court in the case of **Amitha Shah vs- Virendar Lal Shah**, reported **(2003)10 SCC 609** has held that *the convenience of the wife and more so of the child must be taken into account while deciding the petition for transfer* and 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.



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7.In the light of the above, this transfer civil miscellaneous petition stands allowed with the following directions:

(i)The case in IDOP.No.268 of 2022 on the file of the Family Court, Sivagangai is transferred to Family Court, Madurai;

(ii)The learned Judge, Family Court, Sivagangai is directed to send the above case records within a period of fifteen days from the date of receipt of a copy of this order to the learned Judge, Family Court, Madurai, who in turn, on receipt of the case, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition stands closed.

06.01.2023

Index: Yes/No



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To

WEB COPY

- 1.The Judge,
Family Court,
Sivagangai.
- 2.The Judge,
Family Court,
Madurai.



WEB COPY



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B. PUGALENDHI , J.

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