



Tr.C.M.P(MD)No.709 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.709 of 2022
and C.M.P(MD) No.11308 of 2022

A.Rajalakshmi

... Petitioner

-Vs-

S.Surendar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.87 of 2021 pending before the Principal Subordinate Court, Srivilliputhur and transfer the same to Family Court, Tiruchirapalli or to any other Courts.

For Petitioner : Mr.G.S.Asok Adithyan
For Respondent : Mr.S.Krishnan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.87 of 2021 from



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the Principal Subordinate Court, Srivilliputhur to the Family Court,
Tiruchirappalli.

2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.09.2019. Subsequently, due to some difference of opinion, they separated. The respondent filed petition under Section 13(1)(ia) of the Hindu Marriage Act, seeking divorce, before the Principal Subordinate Court, Srivilliputhur. Since the petitioner/wife is a resident of Tiruchirappalli, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.87 of 2021 from the Principal Subordinate Court, Srivilliputhur to the Family Court, Tiruchirappalli.

3.The learned counsel appearing for the petitioner submits that the distance between Tiruchirappalli and Virudhunagar is around 200 kms and the petitioner finds it very difficult to travel such a long distance to attend the court proceedings at Virudhunagar, as there is no one to accompany her.



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4.The learned counsel appearing for the respondent strongly objects for transfer of the proceedings in H.M.O.P.No.87 of 2021 from the Principal Subordinate Court, Srivilliputhur to the Family Court, Tiruchirapalli.

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



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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.

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.87 of 2021, on the file of the Principal Subordinate Court, Srivilliputhur is withdrawn and ordered to be transferred to the file of the Family Court, Tiruchirapalli. The learned Judge, Principal Subordinate Court, Srivilliputhur, is directed to transmit the entire case records to the Family Court, Tiruchirappalli forthwith and the learned Judge, Family Court, Tiruchirappali, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.Principal Subordinate Court,
Srivilliputhur.
- 2.Family Court,
Tiruchirappalli.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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12.01.2023