



Tr.C.M.P(MD)No.688 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.688 of 2022

and

C.M.P(MD) No.10999 of 2022

R.Meenakshi

... Petitioner

-Vs-

S.Rajesh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.3 of 2022 on the file of Sub Court, Pattukottai to Family Court, Madurai.

For Petitioner : Mr.R.Vignesh

For Respondent : Mr.D.Ramesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.3 of 2022 from the file of the Sub Court, Pattukottai to Family Court, Madurai.



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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 28.08.2020. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.03 of 2022, before the Sub Court, Pattukottai, seeking divorce. Since the petitioner/wife is a resident of Madurai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.03 of 2022 from the file of the Sub Court, Pattukottai to the Family Court, Madurai.

3.The learned counsel appearing for the petitioner submits that the petitioner is an unemployed person and she is not having any means. The distance between Madurai and Pattukottai is around 150 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.

4.The learned counsel appearing for the respondent strongly objects for transfer of the proceedings in H.M.O.P.No.3 of 2022 from the file of the Sub Court, Pattukottai to the Family Court, Madurai.



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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.

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.03 of 2022, on



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the file of the Sub Court, Pattukkottai, is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Subordinate Judge, Pattukkottai, is directed to transmit the entire case records to the Family Court, Madurai, forthwith and the learned Judge, Family Court, Madurai, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

27.01.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.The Subordinate Judge,
Pattukottai.
- 2.The Judge, Family Court, Madurai.



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B.PUGALENDHI, J.

cp

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