



TR.CMP(MD)No.736 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.736 of 2022

and

C.M.P(MD)No.11709 of 2022

Jeyalalitha @ Murugavalli ... Petitioner

Vs

Ramar ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw HMOP.No.135 of 2022 pending on the file of the Family Court, Mannarkudi and transfer the same to the Sub Court, Aruppukottai, Virudhunagar District.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.P.Manoharan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case in HMOP.No.135 of 2022 from Family Court, Mannarkudi to Sub Court, Aruppukottai, Virudhungar District.

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2.The marriage between the petitioner and the respondent was solemnized on 28.02.2021. There are differences of opinion between them. Therefore, the respondent has filed a petition in HMOP.No.135 of 2022 seeking divorce before Family Court, Mannarkudi. Since the petitioner / wife is a resident of Virudhunagar district, she has filed this present Transfer Civil Miscellaneous Petition to transfer the above proceedings from Family Court, Mannarkudi to Sub Court, Aruppukottai 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 Mannarkudi.

3.The learned Counsel for the petitioner submits that the petitioner is depending upon her parents, she is not having sufficient means to lead the life and the distance between Virudhunagar and Mannarkudi is nearly 270 Kms and therefore, the learned Counsel prays for allowing this petition.



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4.The learned Counsel for the respondent raised his objections to this petition.

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

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supra, is inclined to allow the present petition.

Though the petitioner has prayed for transfer of the case to Sub Court, Virudhunagar, this Court considering the nature of the issue, transfer the case to Family Court, Madurai.

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

(i)The case in HMOP.No.135 of 2022 on the file of the Family Court, Mannarkudi is transferred to Family Court, Madurai;

(ii)The learned Judge, Family Court, Mannarkudi 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.



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No costs. Consequently, connected miscellaneous
WEB COPY petition stands closed.

06.01.2023

Index: Yes/No

To

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



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B. PUGALENDHI , J.

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