



TR. CMP(MD)No.111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.111 of 2024
and CMP(MD)No.2078 of 2024

N.S.Dhanamani ...Petitioner/Respondent

Vs.

R.Jayalakshmi ...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to order to withdraw and transfer the case in H.M.O.P.No.4 of 2024 on the file of the Family Court, Thoothukudi and transfer the same to the Sub Court, Aruppukottai.

For Petitioner : Mr.V.Sasikumar
For Respondent : Mr.M.P.Vasandharam

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.4 of 2024 from the file of the Family Court, Thoothukudi to the file of the Sub Court, Aruppukottai.



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2. The learned counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.4 of 2024 on the file of the Family Court, Thoothkudi, for restitution of conjugal rights. The petitioner submits that the petitioner is working in Namakkal District and therefore, she is not in a position to travel to Thoothukudi and seeks for transfer. He would submit that the petitioner has filed HMOP.No.7 of 2024 on the file of the Sub Court, Aruppukottai, for dissolution of marriage.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

4. The learned counsel for the respondent has raised objection for allowing this petition.



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5. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer applications as held by the Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**. I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following direction:

The Family Court, Thoothkudi, is directed to transmit the entire records in H.M.O.P.No.4 of 2024 to the file of the Sub Court, Aruppukkottai, within a period of two weeks from the date of receipt of copy of this order to be tried along with HMOP.No. 7 of 2024 and for disposal on merits.

No costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Family Court, Thoothkudi,
2. The Sub Court, Aruppukkottai.
3. The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

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