



TR. CMP(MD)No.127 of 2024

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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.127 of 2024
and CMP(MD)No.2669 of 2024

Lavanya

...Petitioner/Respondent

Vs.

S.Arunkumar

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C r/w 151 C.P.C to order to withdraw and transfer the case in H.M.O.P.No.367 of 2023 on the file of the Family Court, Theni and transfer the same to the Family Court, Dindigul District.

For Petitioner : Mr.P.Deepak

For Respondent : M/s.Janani Rashmi Sethuraman

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.367 of 2023 from the file of the Family Court, Theni to the file of the Family Court, Dindigul District.



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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.367 of 2023 on the file of the Family Court, Theni, for divorce. The petitioner submits that it is very difficult to travel from Dindigul to Theni for every hearing and she is not in a position to travel and seeks for transfer. He would submit that the petitioner has filed HMOP.No 338 of 2023 on the file of the Family Court, Dindigul for restitution of conjugal rights.

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 not raised any serious 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, Theni, is directed to transmit the entire records in H.M.O.P.No.367 of 2023 to the file of the Family Court, Dindigul District within a period of two weeks from the date of receipt of copy of this order to be tried along with HMOP.No. 338 of 2023 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, Theni
2. The Family Court, Dindigul District.
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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