



TR. CMP(MD)No.156 of 2023

WEB COPY

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.156 of 2023
and CMP(MD)No.3502 of 2023

Arthi ...Petitioner/Respondent Wife

Vs.

Senthilkumar ...Respondent/Petitioner-Husband

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.271 of 2022 on the file of the Principal Sub Court, Tenkasi and transfer the same to the Family Court, Tirunelveli and to be tried along with HMOP.No. 7 of 2023 pending on the file of the Family Court, Tirunelveli.

For Petitioner : Mr.K.Sivabalan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.271 of 2022 from the Principal Sub Court, Tenkasi, to the file of the Family Court, Tirunelveli.



TR. CMP(MD)No.156 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.271 of 2022 on the file of the Principal Sub Court, Tenkasi, for divorce. The petitioner submits that distance between the residence of the petitioner to Tenkasi is 60 kms and therefore, she is not in a position to travel and seeks for transfer. He would submit that the petitioner has filed HMOP.No.271 of 2022 on the file of the Family Court, Tirunelveli, for restitution of conjugal rights

3. Heard the learned counsel for the petitioner and perused the materials placed on record. Though the name of the respondent is printed in the cause list, none appears for him.

4. 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



TR. CMP(MD)No.156 of 2023

WEB COPY

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 Principal Subordinate Court, Tenkasi, is directed to transmit the entire records in H.M.O.P.No. 271 of 2022 to the file of the Family Court, Tirunelveli, 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 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
CM



TR. CMP(MD)No.156 of 2023

WEB COPY

- To
- 1.The Principal Sub Judge, Tenkasi
 2. The Judge, Family Court, Tirunelveli

2. The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



TR. CMP(MD)No.156 of 2023

G. ILANGO VAN, J.

CM

TR. C.M.P.(MD)No.156 of 2023
and CMP(MD)No.3502 of 2023

26.03.2024