



TR. CMP(MD)No.158 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.158 of 2023
and CMP(MD)No.3536 of 2023

Sathya ...Petitioner/Respondent

Vs.

Ilango ...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.1326 of 2022 on the file of the Family Court, Madurai to the file of the Sub Court, Ramanathapuram.

For Petitioner : Mr.C.Ajaykose

For Respondent : Mr.M.Maharajan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No. 1326 of 2022 from the Family Court, Madurai to the file of the Sub Court, Ramanathapuram.



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2. The learned counsel appearing for the petitioner would aver, among other things, that the petition filed by the petitioner for divorce was dismissed for default. The respondent filed H.M.O.P.No.1326 of 2022 on the file of the Family Court, Madurai, for restitution of conjugal rights and the same is pending. The petitioner submits that distance between the residence of the petitioner to Madurai is 230 kms and therefore, she is not in a position to travel and seeks for transfer.

3. Heard the learned counsel for the petitioner and perused the materials placed on record. There is no representation for the respondent.

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 of considering transfer applications as held by the Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi**



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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, Madurai, is directed to transmit the entire records in H.M.O.P.No.1326 of 2022 to the file of the to the file of the Subordinate Court, Ramanathapuram, within a period of two weeks from the date of receipt of copy of this order for disposal on merits.

No costs. Consequently, connected miscellaneous petition is closed.

15.03.2024

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

- 1.The Family Court, Madurai
- 2.The Sub Court, Ramanathapuram
- 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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