



TR. CMP(MD)No.322 of 2023

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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.322 of 2023
and CMP(MD)No.7078 of 2023

Senbagapechi @ B.Nandhini ..Petitioner/Respondent

Vs.

P.Saravana Balaji ...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.190 of 2023 on the file of the Sub Judge, Ambathur, and transfer the same to the file of the Family Court, Madurai to try along with HMOP.No.710 of 2023.

For Petitioner : Mr.M.S.Parthiban

For Respondent : Mr.M.Sankar

ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer H.M.O.P.No.190 of 2023 from the file of the Sub Judge, Ambathur, to the file of the Family Court, Madurai

2. The learned counsel appearing for the petitioner would aver, among other things, the respondent filed H.M.O.P.No.



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190 of 2023 on the file of the Sub Judge, Ambathur, for divorce. The learned counsel for the petitioner would further submit that the petitioner has filed H.M.O.P.No.710 of 2023 on the file of the Family Court, Madurai 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 submitted that the case may be transferred to Sub Court, Villupuram instead of Family Court at Madurai.

5. Since H.M.O.P.No.710 of 2023 filed by the petitioner is pending before the Family Court, Madurai, this Court is not inclined to accept the request made by the learned counsel for the respondent.



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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 Sub Court, Ambathur is directed to transmit the entire records in HMOP.No.190 of 2023 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order to be tried along with HMOP.No.710 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 Sub Judge, Ambathur
- 2.The Judge, Family Court, Madurai.
- 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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