



TR. CMP(MD)No.470 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.470 of 2023
and CMP(MD)No.10185 of 2023

T.Chithra ...Petitioner/Respondent

Vs.

D.Pandiyaraj ...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.76 of 2020 on the file of Sub Court, Thirumangalam and transfer the same to the Sub Court, Theni.

For Petitioner : Mr.M.Balakrishnan

For Respondent : No appearance



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.76 of 2020 from the file of Sub Court, Thirumangalam to the file of the Sub Court, Theni.

2. The learned Counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.76 of 2020 which is pending on the file of the Sub Court, Thirumangalam for divorce. The petitioner submits it is difficult for the petitioner to travel from Theni District to Tirumangalam and therefore, she 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.



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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 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, Thirumangalam, is directed to transmit the entire records in H.M.O.P.No.76 of 2020 to the file of the Sub Court, Theni, 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.

07.02.2024

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

- 1.The Sub Court, Thirumangalam
- 2.The Sub Court, Theni
- 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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