



TR. CMP(MD)No.465 of 2023

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.465 of 2023
and CMP(MD)No.10054 of 2023

Andos Surya

...Petitioner/Respondent

Vs.

Euigine Prasath

...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.140 of 2023 on the file of Family Court, Thanjavur, Thanjavur District, to the Family Court, at Sivagangai, Sivagangai District.

For Petitioner : Mr.Na.Palaniyandi

For Respondent : No appearance



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ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.140 of 2023 from the file of Family Court, Thanjavur, Thanjavur District, to the file of the Family Court, at Sivagangai, Sivagangai District.

2. The learned Counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.140 of 2023 on the file of the Family Court, Thanjavur, Thanjavur District for divorce. The petitioner submits that distance between the residence of the petitioner and Thanjavur is 175 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.



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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 Family Court, Thanjavur, Thanjavur District is directed to transmit the entire records in H.M.O.P.No.140 of 2023 to the file of the Family Court, at Sivagangai, Sivagangai District, 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 Family Court, Thanjavur, Thanjavur District
- 2.The Family Court, at Sivagangai, Sivagangai 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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