



TR. CMP(MD)No.538 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.538 of 2023
and CMP(MD)No.11947 of 2023

Tressy Austin Marry

...Petitioner/Respondent

Vs.

Stephenson

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the I.D.O.P.No.60 of 2023 before the Principal District and Sessions Judge, Virudhunagar at Srivilliputhur and transfer the same to the file of the learned Principal District and Sessions Judge, Theni District.

For Petitioner : Mr.S.Balakarthick

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of I.D.O.P.No.60 of 2023 from the file of the learned Principal District and Sessions Judge, Virudhunagar at



TR. CMP(MD)No.538 of 2023

WEB COPY

Srivilliputhur to the file of the learned Principal District and Sessions Judge, Theni District.

2. The learned Counsel appearing for the petitioner would aver, among other things, that the respondent filed I.D.O.P.No.60 of 2023 which is pending on the file of the Principal District and Sessions Court, Virudhunagar at Srivilliputhur for divorce. The petitioner submits it is difficult for the petitioner to travel from Theni District to Virudhunagar Sub Court at Srivilliputhur 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.

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.538 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 District and Sessions Court, Virudhunagar at Srivilliputhur, is directed to transmit the entire records in I.D.O.P.No.60 of 2023 to the file of the Principal District and Sessions Judge, Theni 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.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



TR. CMP(MD)No.538 of 2023

WEB COPY

To

- 1.The Principal District and Sessions Judge, Virudhunagar at Srivilliputhur
2. The Principal District and Sessions Judge, Theni District.
- 3.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



TR. CMP(MD)No.538 of 2023

G. ILANGO VAN, J.

CM

TR. C.M.P.(MD)No.538 of 2023
and CMP(MD)No.11947 of 2023

08.02.2024