



TR. CMP(MD)No.522 of 2023

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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.522 of 2023
and CMP(MD)No. 11532 of 2023

Pandimeena

...Petitioner/Respondent

Vs.

Upendran

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.41 of 2022 on the file of learned Principal Sub Court, Tirunelveli, and transfer the same to the learned Family Court, Madurai.

For Petitioner : Mr.M.Murugan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.41 of 2022, from the file of the



TR. CMP(MD)No.522 of 2023

WEB COPY

Principal Sub Court, Tirunelveli to the file of the Family Court, Madurai.

2. The learned Counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.41 of 2022 on the file of the Principal Sub Court, Tirunelveli for divorce. The learned counsel for the petitioner submits that the distance between Tirunelveli and Madurai is 325 kms and H.M.O.P.No.414 of 2023 filed by the petitioner for restitution of conjugal rights is pending on the file of the Family Court, Madurai and therefore, the petitioner 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



TR. CMP(MD)No.522 of 2023

WEB COPY

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 Principal Sub Court, Tirunelveli is directed to transmit the entire records in H.M.O.P.No.41 of 2022 to the file of the Family Court, Madurai, 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
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TR. CMP(MD)No.522 of 2023

To

- 1.The Principal Sub Court, Tirunelveli,
- 2.The Family Court, Madurai.
- 3.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



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TR. CMP(MD)No.522 of 2023

G. ILANGO VAN, J.

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