



TR. CMP(MD)No.528 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.528 of 2023
and CMP(MD)No.11712 of 2023

S.Jency

...Petitioner/Petitioner

Vs.

Karupusamy @ Kaleb

...Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to order to withdraw and transfer the case in IDOP No.163 of 2021 on the file of the Principal District Court, Dindigul and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : M/s.A.S.Rajeswari

For Respondent : Mr.A.Saravanan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of I.D.O.P.No.163 of 2021 from the Principal District Court, Dindigul to the file of the Family Court, Sivagangai.



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2. The learned counsel appearing for the petitioner would aver, among other things, the respondent filed IDOP.No.263 of 2021 on the file of the Principal District Court, Dindigul for divorce. The petitioner submits that distance between the residence of the petitioner to Dindigul is 240 kms and therefore, she is not in a position to travel and seeks for transfer.

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 has raised strong objection for allowing this petition by stating that as per the direction issued by this Court, the respondent was cross-examined by the revision petitioner.

5. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that



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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 District Court, Dindigul, is directed to transmit the entire records in IDOP. No.163 of 2021 to the file of the Family Court, Sivagangai, 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.

26.03.2024

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

- 1.The Principal District Court, Dindigul
- 2.The Family Court, Sivagangai.
- 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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