



TR. CMP(MD)No.624 of 2023

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.624 of 2023
and CMP(MD)No.13593 of 2023
and CMP(MD)No.2294 of 2024 in CMP(MD)No.13593 of 2023

S.Haritha @ Mariyammal ...Petitioner/Respondent/Wife

Vs.

G.Udayakumar ...Respondent/Respondent/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to order to withdraw and transfer the case in O.P. No.374 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.R.Shankar Ganesh

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of O.P. No.374 of 2023 from the file of the Family Court, Theni to the file of the Family Court, Madurai.



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2. The learned counsel appearing for the petitioner would aver, among other things, the respondent filed O.P.No.374 of 2023 on the file of the Family Court, Theni, for restitution of conjugal rights. The petitioner submits that distance between the residence of the petitioner to Theni is 76 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 filed a vacate stay petition along with counter affidavit, in which, he has raised various allegations against the petitioner and made a strong objection for allowing this Transfer Petition.

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 Family Court, Theni is directed to transmit the entire records in O.P.No.374 of 2023 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 petitions are closed.

26.03.2024

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

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



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G. ILANGO VAN, J.

CM

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