



TR. CMP(MD)No.670 of 2023

WEB COPY

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.670 of 2023
and CMP(MD)No.14716 of 2023

Anushiya ...Petitioner/Respondent

Vs.

A.Subramani ...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 HMOP No.64 of 2023 on the file of the Sub Court, Srivilliputhur and transfer the same to the file of the Sub Court, Sankarankovil.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.M.Ashok Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of HMOP.No.64 of 2023 from the file of the Sub Court, Srivilliputhur to the file of the Sub Court, Sankarankovil.



TR. CMP(MD)No.670 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner would aver, among other things, the respondent filed HMOP.No.64 of 2023 on the file of the Sub Court, Srivilliputhur, for divorce. The petitioner submits that distance between the residence of the petitioner to Srivilliputhur is 90 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 objection by stating that before the Enquiry Officer, the petitioner states that the petitioner was willing for divorce and to drag on the matter only, this petition is filed.

5. 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.670 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 Sub Court, Srivilliputhur is directed to transmit the entire records in HMOP.No.64 of 2023 to the file of the Sub Court, Sankarankovil 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
CM



WEB COPY



TR. CMP(MD)No.670 of 2023

To

- 1.The Subordinate Court, Srivilliputhur,.
- 2.The Sub Court, Sankarankovil
- 3.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



TR. CMP(MD)No.670 of 2023

G. ILANGO VAN, J.

CM

TR. C.M.P.(MD)No.670 of 2023
and CMP(MD)No.14716 of 2023

26.03.2024