



TR. CMP(MD)No.695 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.695 of 2023
and CMP(MD)No.15523 of 2023

D.Divya ...Petitioner/Respondent

Vs.

Ashok Ram ...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.128 of 2023 on the file of the Sub Court, Ambasamudram and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr.P.Sujai Krishna

For Respondent : Mr.J.Paresh Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of HMOP.No.128 of 2023 from the file of the Sub Court, Ambasamudram to the file of the Family Court, Dindigul.



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2. The learned counsel appearing for the petitioner would aver, among other things, the respondent filed HMOP.No.128 of 2023 on the file of the Sub Court, Ambasamudram, for divorce. The petitioner submits that distance between the residence of the petitioner to Ambasamudram is 250 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.

5. 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 of considering transfer applications as held by the Supreme Court in



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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, Ambasamudram is directed to transmit the entire records in HMOP.No.128 of 2023 to the file of the Family Court, Dinidgul, 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 Subordinate Court, Ambasamudram
- 2.The Family Court, Dindigul.
- 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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