



TR. CMP(MD)No.732 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.732 of 2023
and CMP(MD)No. 16338 of 2023

Daksha

...Petitioner/Petitioner

Vs.

Paul Pandian

...Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw H.M.O.P.No.24 of 2023 on the file of Sub Judge, Nanguneri, and transfer the same to the Hon'ble Family Judge, Kanyakumari District at Nagercoil and have joint trial along with H.M.O.P.No.437 of 2023 pending on the file of Family Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.K.P.Narayana Kumar



TR. CMP(MD)No.732 of 2023

WEB COPY

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.24 of 2023, from the file of the Sub Judge, Nanguneri to the file of the learned Judge, Family Court, Kanyakumari District at Nagercoil.

2. The learned Counsel appearing for the petitioner would aver, among other things, the respondent filed H.M.O.P.No. 24 of 2023 on the file of the Sub Judge, Nanguneri, for divorce. The learned counsel for the petitioner submits that it is difficult for the petitioner to travel from Tirunelveli to Nanguneri and seeks for transfer.

3. The learned counsel for the respondent would submit that the respondent has no objection for transfer. He would submit



TR. CMP(MD)No.732 of 2023

WEB COPY

that the petitioner has filed H.M.O.P.No.437 of 2023 on the file of the Family Court, Kanyakumari District at Nagercoil for restitution of conjugal rights and both O.P.s may be ordered to be tried jointly.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

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 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:



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TR. CMP(MD)No.732 of 2023

“The Sub Court, Nanguneri is directed to transmit the entire records in H.M.O.P.No.24 of 2023 to the file of the Judge, Family Court, Kanyakumari District at Nagercoil, within a period of two weeks from the date of receipt of copy of this order to be tried along with H.M.O.P.No.437 of 2023”.

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.732 of 2023

To

- 1.The Sub Judge, Nanguneri
- 2.The Family Judge, Kanyakumari District at Nagercoil
- 3.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



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TR. CMP(MD)No.732 of 2023

G. ILANGO VAN, J.

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