



TR. CMP(MD)No.743 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.743 of 2023
and CMP(MD)No.16501 of 2023

M.Vinotha ...Petitioner/Respondent

Vs.

S.Manimuthu ...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 H.M.O.P.No.114 of 2023 on the file of the Subordinate Court, Melur to the Subordinate Court, Devakottai.

For Petitioner : M/s.T.Lavanya

For Respondent : Mr.V.Nagendran

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No. 114 of 2023 from the file of the Subordinate Court, Melur to the file of the Subordinate Court, Devakottai.



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2. The learned counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.114 of 2023 on the file of the Subordinate Court, Melur for dissolution of marriage. The petitioner submits that distance between the residence of the petitioner to Melur is 60 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. 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



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petition is allowed with the following direction:

The Subordinate Court, Melur, is directed to transmit the entire records in H.M.O.P.No.114 of 2023 to the file of the to the file of the Subordinate Court, Devakottai, 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.

20.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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- 1.The Subordinate Court, Melur,
- 2.The Subordinate Court, Devakottai,
- 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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