



TR. CMP(MD)No.739 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.739 of 2023
and CMP(MD)No.16476 of 2023

S.Shanthi

...Petitioner/Petitioner

Vs.

R.Surya @ Suryakumar

...Respondent/Respondent

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.203 of 2023 on the file of the Sub Court, Udumalpet at Tiruppur District and transfer the same to the Sub Court, Sattur at Virudhunagar District.

For Petitioner : M/s.Lakshmi Gopinathan

For Respondent : Mr.K.Muraleedharan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.203 of 2023 from the file of the Sub Court, Udumalpet at Tiruppur District to the file of the Sub Court, Sattur at Virudhunagar District.

2. The learned counsel appearing for the petitioner would aver, among other things, that the respondent filed



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H.M.O.P.No.203 of 2023 on the file of the Sub Court, Udumalpet at Tiruppur District, for restitution of conjugal rights. The petitioner submits that the distance between the residence of the petitioner to Udumalpet, Tiruppur District is 225 kms and 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 would submit that his father is aged 92 years and his mother is aged 85 years and he is taking care of his parents. So, he is not in a position to attend the transferee court.

5. Since the case is transferred only to the Subordinate Court, Sattur, there is no necessity for appearance of the parties.



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6. 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:

The Sub Court, Udumalpet, Tiruppur District is directed to transmit the entire records in H.M.O.P.No. 203 of 2023 to the file of the Sub Court, Sattur, Virudhunagar District 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



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- 1.The Sub Court, Udumalpet, Tiruppur District
2. The Sub Court, Sattur, Virudhunagar District.
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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