



Tr.C.M.P.(MD) No.345 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

Tr.C.M.P.(MD) No.345 of 2023

and

C.M.P(MD) No.7381 of 2023

Nirmala devi

... Petitioner

Vs.

M.Krishnaraj

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer the petition in H.M.O.P.No.455 of 2023 from the Family Court, Madurai to the Sub Court, Kumbakonam.

For Petitioner : M/s.J.Shakila

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife for transfer of H.M.O.P.No.455 of 2023 from the Family Court, Madurai to the Sub Court, Kumbakonam.



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2. Despite notice being served on the respondent/husband and the name of the respondent/husband being printed in the cause list, there is no representation on the side of the respondent/husband.

3. According to the petitioner/wife, the respondent/wife filed H.M.O.P.No.455 of 2023 under Section 13(i-a)(i-b) of the Hindu Marriage Act, 1955 before the Family Court, Madurai for dissolution of marriage solemnized between them on 12.02.2020, on the grounds of cruelty and desertion. It is submitted that this is the second marriage for both the petitioner/wife and the respondent/husband after their earlier marriages were dissolved on 22.03.2012 and 27.04.2007 respectively. It is further submitted that due to the cruelty made by the respondent/husband, the petitioner/wife came to her parent's home at Kumbakonam with the help of her Aunt and since the petitioner/wife is suffering from low hemoglobin and platelets count in the blood, she is taking treatment at Kumbakonam.

4. The learned counsel for the petitioner/wife would submit that the petitioner is depending upon her parents for her livelihood and day to day necessities and she being a woman is unable to attend the Court proceedings in the Family Court at Madurai and therefore, the petitioner was constrained to



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approach this Court for transfer of H.M.O.P. from the Family Court, Madurai to the Sub Court, Kumbakonam.

5. The Hon'ble Supreme Court in the case of **Aarti Rani @ Pinki Devi and others Vs Dharmender Kumar Gupta** reported in **2008 (9) SCC 353** held that convenience of woman is to be taken into consideration.

6. Therefore, considering the facts and circumstances of the case, H.M.O.P.No.455 of 2023 is directed to be transferred from the file of the Family Court, Madurai to the file of the Sub Court, Kumbakonam.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

10.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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To

1.The Judge, Family Court, Madurai.

2.The Sub Judge, Kumbakonam.



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K.GOVINDARAJAN THILAKAVADI, J.

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