



Tr.C.M.P.(MD) No.339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	01.08.2023
Delivered on	08.09.2023

CORAM

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

Tr.C.M.P.(MD) No.339 of 2023

and

C.M.P(MD) Nos.7343 & 9027 of 2023

Yagavi

... Petitioner

Vs.

Muthuramlingam

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to transfer the case in H.M.O.P.No.476 of 2020 from the file of the Subordinate Court, Tambaram to the file of the Family Court, Madurai.

For Petitioner : Mr.B.Arun

For Respondent : Mr.P.G.Thiyagu

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife for transfer of H.M.O.P.No.476 of 2020 from the file of the Subordinate Court, Tambaram to the file of the Family Court, Madurai.



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2. According to the petitioner/wife, the marriage between the petitioner and the respondent was solemnized on 25.05.2012 at Melur Moovender Panpattu Thirumana Mandapam, Melur, Madurai in accordance with customary rites and ceremonies prevalent in Hindu Community. At the time of marriage, the respondent/husband was working in a private company and they were leading matrimonial life happily. Due to some matrimonial discord, the respondent filed H.M.O.P.No.476 of 2020 before the Subordinate Court, Tambaram for divorce.

3. It is further submitted that the petitioner is residing at Madurai along with her parents and depending upon them for her livelihood and had to travel about 700 kms. up and down for every hearing, in which circumstances, this Transfer Civil Miscellaneous Petition has been filed for transfer of H.M.O.P. from the Subordinate Court, Tambaram to the Family Court, Madurai.

4. On the other hand, on the side of the respondent, it is submitted that the respondent is presently residing at Singapore along with his son and he is attending the Subordinate Court, Tambaram at Chennai for every hearing along with his son. It is further submitted that it is convenient for the respondent and his son to travel from Singapore to Chennai for attending the Court at Chennai



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rather than Singapore to Madurai since there are frequent flights from Singapore to Chennai.

5. The learned counsel appearing for the respondent would submit that if the above H.M.O.P. is transferred to the Family Court, Madurai, it would not be convenient for the respondent/husband along with his son to travel from the Singapore to Madurai as there are no frequent flights from Singapore to Madurai.

6. Heard on both sides. Records perused.

7. The convenience as a ground for transfer should have to be construed as convenience of both the parties and not the convenience of one of the parties alone to the proceedings and in that view of the matter, the balance of convenience will swing in favour of a party who will be put more hardship if the Transfer Petition is allowed.

8. In the present case, it is not in dispute that the respondent along with his son is residing at Singapore and the petitioner/wife is residing at Madurai. The E-Court status would show that in some of the hearing dates, the child is



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accompanying the father, i.e. the respondent. It is no doubt that there are frequent flights from Singapore to Chennai and Chennai to Singapore, whereas, there are only limited flights from Singapore to Madurai.

9. However, it is ascertained that there are frequent flights from Singapore to Trichy and it would be convenient for both parties to attend the Court at Trichy. Therefore, considering the factual circumstance, H.M.O.P.No. 476 of 2020 is directed to be transferred from the file of the Subordinate Court, Tambaram to the file of the Sub Court, Trichy.

10. The learned Sub Judge, Trichy is directed to dispose H.M.O.P, on merits, expeditiously, within a period of 4 months from the date of receipt of a copy of this order.

11. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. No cost. Consequently, connected Miscellaneous Petitions are closed.

08.09.2023

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

WEB COPY

- 1.The Subordinate Judge, Tambaram.
- 2.The Subordinate Judge, Trichy.



WEB COPY



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K.GOVINDARAJAN THILAKAVADI, J.

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Pre-Delivery Order made
in
Tr.C.M.P.(MD) No.339 of 2023 and
C.M.P(MD) Nos.7343 & 9027 of 2023

08.09.2023