



TR.C.M.P(MD).No.401 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.401 of 2022
and C.M.P(MD).No.6552 of 2022

S.K.Sundarapandian

... Petitioner

versus

K.Vigneswari

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.299 of 2022 from the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Theni for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.M.Sankar

For Respondent : Mr.Sarvagan Prabhu

ORDER

The petitioner, who is the respondent in H.M.O.P.No.299 of 2022, has filed this Transfer Civil Miscellaneous to transfer



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H.M.O.P.No.299 of 2022 from the file of the Family Court, Trichy, to the file of the Family Court, Theni.

2. The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the respondent was solemnized on 04.09.2017. The petitioner is a native of Theni District and he is working as a P.G. Assistant in Government Higher Secondary School, Devathanapatti, Theni District. The respondent/wife has filed H.M.O.P.No.299 of 2022, under Section 13(1)(i-a) of Hindu Marriage Act, for divorce on the ground of cruelty and the same is pending before the Family Court, Trichy. The respondent/wife is also working as a Clerk in State Bank of India, Devathanapatti, Theni District. However, she preferred to file the divorce petition before the Family Court, Trichy, in order to harass the petitioner. Therefore, he requests to transfer H.M.O.P.No.299 of 2022 from the file of the Family Court, Trichy to the file of the Family Court, Theni.



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3. The learned counsel appearing for the respondent submits that the respondent/wife is now living with her parents at Trichy and therefore, she has filed the divorce petition before the Family Court, Trichy and there is no need to transfer the divorce petition from the file of the Family Court, Trichy, to the file of the Family Court, Theni.

4. This Court considered the rival submissions made.

5. Admittedly, the respondent/wife is working as a Clerk in State Bank of India, Devathanapatti, Theni District. However, she chose to file the divorce petition before the Family Court, Trichy.

6. The learned counsel appearing for the respondent claims that the respondent is now living with her parents and attending office duty at Theni, by travelling from Trichy to Theni.



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7. Since the petitioner is also residing at Theni and the respondent is also working at Theni, this Court is inclined to transfer H.M.O.P.No.299 of 2022 from the file of Family Court, Trichy to the file of the Family Court, Theni.

8. Accordingly, the Transfer Civil Miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.299 of 2022 pending on the file of the Family Court, Trichy, is withdrawn and ordered to be transferred to the file of the Family Court, Theni. The Family Court, Trichy, is directed to transmit the entire case records to the Family Court, Theni, forthwith. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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To

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1. The Family Court,
Trichy.
2. The Family Court,
Theni.
3. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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