



Tr.CMP.No.103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.103 of 2024

and

C.M.P.No.2338 of 2024

Kanchanadevi

... Petitioner

Vs.

Muthukarthick

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer the case proceedings in H.M.O.P.No.237 of 2023 on the file of the Family Court at Trichy and transfer the same to the Sub Court, Thirukovilur, Kallakurichi District.

For Petitioner : Mr.T.Elumalai

For Respondent : No appearance



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ORDER

The petitioner, who is the respondent in H.M.O.P.No.237 of 2023 on the file of the Family Court, Trichy filed this petition seeking transfer of the case from the file of the Family Court, Trichy to the file of the Sub Court, Thirukovilur, Kallakurichi District.

2.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

3.The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent was solemnized on 26.01.2022 at Arulmigu Samayapuram Mariamman Temple at Trichy. He would submit that both the petitioner and the respondent are relatives, two years before the marriage the respondent approached the petitioner's parents for the marriage proposal stating that he was the owner of the provisional store but since the petitioner's parents were not interested, they rejected the petitioner's proposal. Thereafter, the respondent gets the phone number of



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the petitioner and started chatting with her. Believing the attractive words of the respondent, the petitioner came out of her parent's house and got married to the petitioner. After the marriage, the petitioner and the respondent are residing in the respondent's house as joint family. Thereafter, at the instigation of his mother and sister, the respondent demanded dowry to the petitioner and by consuming alcohol, the respondent abused and assaulted the petitioner. Suppressing all these facts, the respondent filed a petition seeking divorce before the Family Court, Trichy by making false and frivolous allegations against the petitioner. At present, the petitioner is staying with her parents at Thirukovilur and she has to travel 320 kms from Thirukovilur to attend the hearing at Family Court, Trichy. Hence, he prays for transfer of petition.

4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner herein who is a single lady residing at Thirukovilur which is not denied by the respondent. The petitioner has no income of her own and she has to necessarily travel around 320 kms to and fro to attend the hearing before the Family Court, Trichy. In view of the same, this Court withdraws H.M.O.P.No.237 of 2023 from the file of the Family Court,



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Trichy and transfer the same to the file of the Sub Court, Thirukovilur,
Kallakuruchi District.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

04.07.2024

cse

To

- 1.The Family Court,
Trichy.
- 2.The Sub Judge,
Thirukovilur,
Kallakurichi District.



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M.NIRMAL KUMAR, J.

cse

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