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Tr.C.M.(MD)No.55 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 26/03/2024

Date of Pronounced : 04/04/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Tr.CMP(MD)No.55 of 2023

and

CMP(MD)No.1312 of 2023

S.Maria Glory Divya : Petitioner/Respondent

Vs.

S.Arokiya Joe Prince : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw IDOP No.1387 of 2022 on the file of the Family Court, Madurai and transfer the same to the Family Court, Thoothukudi and pass such further or other orders.

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.T.Pon Ramkumar

ORDER

This petition has been filed by the wife to withdraw IDOP No.1387 of 2022 on the file of the Family Court, Madurai and transfer the same to the Family Court, Thoothukudi.



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2. The facts in brief:-

The marriage between the husband and wife took place on 13/05/2011 at Lurdhu Madha Church, Lurthammalpuram, Thoothukudi District. At the time of marriage, the parents of the wife have given 15 sovereigns of gold jewels as sridhana beside spending the marriage expenses. After the marriage, they started living in the matrimonial home at Villapuram, Madurai. The husband was working as a cutting agent in Madurai Karimedu Fish Market and thereby earning Rs.10,000/- per month. Thereafter to develop the business, the jewels belonging to the wife was pledged by the husband. In the meantime, she came to know that her husband had illegal relationship with other woman, who is doing retail sale of fish from Karimedu wholesale Fish Market. When that was questioned, the husband assaulted her physically and also gave mental torture. So she was forced to leave the matrimonial home. In the meantime, the husband filed a petition in IDOP No.1387 of 2022 on the file of the Family Court, Madurai, seeking the relief of divorce and now it is pending for adjudication.

3.This petition is filed by the wife seeking transfer of the case in IDOP No.1387 of 2022 on the ground that now she is living in Thoothukudi along with



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her aged parents. She has to travel Madurai, which is more than 130 kms from her locality.

5.Heard both sides.

6.The learned counsel appearing for the husband would contend that he is facing life threat at the hands of the wife's family. Apart from that, he would submit that if court feels, transfer may be ordered in a place between Thoothukudi and Madurai.

7.But this sort of contention cannot be raised and accepted. In a matrimonial proceedings, the convenience of the wife is a parameter.

8.So without going into other aspects, this Transfer Civil Miscellaneous Petition is **allowed**. Accordingly, IDOP No.1387 of 2022 pending on the file of the Family Court, Madurai is transferred to the Family Court, Thoothukudi. The Family Court, Madurai is directed to transmit the case papers to the Family Court, Thoothukudi, within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family Court, Thoothukudi may assign new number and conduct the trial, after issuing notice to the



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parties for appearance and dispose the case in accordance with law. The petitioner must file an affidavit before the Transferee Court that no trouble will be made to the respondent at the time of attending the Court. No costs. Consequently, connected Miscellaneous Petition is closed.

04/04/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Family Court,
Madurai.
- 2.The Family Court,
Thoothukudi.
- 3.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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