



TR.C.M.P(MD).No.206 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.206 of 2023

and

C.M.P(MD)No.4387 of 2023

P.Priyameena

... Petitioner

Vs

S.Ramesh Karthikeyan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in H.M.O.P.No.231 of 2021 on the file of the Sub Court, Sivakasi, and transfer the same to the Family Court, Theni.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.S.M.Anantha Murugan



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TR.C.M.P(MD).No.206 of 2023

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.231 of 2021 on the file of the Sub Court, Sivakasi, and transfer the same to the Family Court, Theni.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 04.03.2018 at Madurai District as per Hindu Rites and Customs. This marriage is the second marriage for both of them. At the time of marriage, the petitioner's parents has given 45 sovereigns of gold jewels and sridhana articles worth about Rs.3,00,000/-. They were blessed with two male children. Due to the intervention of mother-in-law some misunderstanding arose between them. The petitioner was ill-treated and since she left the matrimonial home. The respondent filed H.M.O.P.No. 2021 before the Subordinate Court, Sivakasi. The petitioner filed H.M.O.P.No.1061 of 2022 before the Family Court, Theni, for restitution of conjugal rights. Since she finds it very difficult to travel from Theni to Sivakasi, for about 120 kilometers, she wants transfer of the proceedings



TR.C.M.P(MD).No.206 of 2023

to the Family Court, Theni, to try both the cases together. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Learned counsel for the respondent would submit that the respondent has no objection in transferring the proceedings to the Family Court, Theni.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Theni District, whereas the case was registered before the Subordinate Court, Sivakasi.

5. However, considering the fact that the wife is living in a far away place from Sivakasi, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. There shall be a direction to the learned Subordinate Judge, Sivakasi, to transfer the entire records in H.M.O.P.No.231 of 2021, immediately to the file of the Family Court, Theni. After receiving the



TR.C.M.P(MD).No.206 of 2023

records, the learned Judge, Family Court, Theni, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law and try along with the case in H.M.O.P.No.1061 of 2022 pending on his file. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2024

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

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To

1. The Judge, Family Court, Theni.
2. The Subordinate Judge, Sivakasi.



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TR.C.M.P(MD).No.206 of 2023

G.ILANGOVA, J.

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ORDER
IN
TR.C.M.P(MD)No.206 of 2023

22.03.2024