



Tr.C.M.P(MD)No.226 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.09.2024**

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.226 of 2024

and

C.M.P(MD)No.5050 of 2024

P.Ishwarya Sakthi

... Petitioner

Vs.

S.Mahesh Raja

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.24 of 2024 on the file of the Sub Court, Thiruvarur and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.V.Malaiyendran

For Respondent : Mr.M.Mohamed Sherbudeen

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.24 of 2024 on the file of the Sub Court, Thiruvarur and transfer the same to the Family Court, Madurai.

2. The facts in brief:

The petitioner herein is the wife and the respondent is the husband.

The marriage between the petitioner and respondent was solemnized on



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23.01.2023 at Thiruvarur as per Hindu rites and customs. Due to some difference of opinion, they have separated. The respondent/husband filed a divorce petition in H.M.O.P.No.24 of 2024 before the Sub Court, Thiruvarur seeking divorce.

3. The learned counsel for the petitioner has submitted that the petitioner is now residing in her uncle's house at Madurai. [No.31, Pandian Nagar, Kalavasal, Arasaradi, Madurai - 14]. The distance between Madurai and Thiruvarur is above 500 kms and she finds it very difficult to travel such a long distance. Hence, the petitioner has filed this present Transfer Civil Miscellaneous Petition seeking transfer.

4. The learned counsel for the respondent objected that the petitioner has filed this petition by using her uncle's address at Madurai. The physical appearance of the parties is not necessary before the Sub Court, Thiruvarur. Hence, this petition may be dismissed.

5. The learned counsel for the petitioner has produced Aadhar Card and Voter Identity Card of K.Gavaskar, who is the uncle of the petitioner and it shows that the petitioner is residing at Madurai.



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6. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.24 of 2024 pending on the file of the Sub Court, Thiruvarur is hereby withdrawn and transferred to the file of the Family Court, Madurai.

8. The learned Judge, Sub Court, Thiruvarur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.24 of 2024 to the Family Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judge, Family Court, Madurai is directed to take the case on file and dispose the same on merits in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

23.09.2024

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



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To

- 1.The Sub Court,
Thiruvavarur.
- 2.The Family Court,
Madurai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.226 of 2024
and
C.M.P(MD)No.5050 of 2024

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