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Tr.C.M.(MD)No.214 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Tr.CMP (MD) No.214 of 2023

and

CMP (MD) No.4564 of 2023

V.Seviga Devi : Petitioner/Respondent/
Wife

Vs.

V.Ram Kumar : Respondent/Petitioner/
Husband

PRAYER:- Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the case on the file of the Principal Subordinate Court, Srivilliputhur in HMOP No.14 of 2023 and transfer the same to the Family Court, Dindigul and pass such further or other orders.

For Petitioner : M/s.M.Vivek Bharathi

For Respondent : Mr.M.Thirunavukarasu

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case on the file of the Principal



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Sub Court, Srivilliputhur in HMOP No.14 of 2023 and transfer the same to the Family Court, Dindigul.

2.The facts in brief:-

The marriage between the husband and wife took place on 28/08/2021 at Rajapalayam Cotton Market JSA Mahaal. At the time of marriage, 25 sovereigns of gold jewels and other household articles were provided to the wife. After the marriage, they started living in the matrimonial home happily. Thereafter, due to matrimonial dispute, they were living separately. In spite of repeated attempt made by the elder of the family members, there is no possibility of reunion. In the meantime, the husband filed HMOP No.14 of 2023 before the Principal Sub Court, Srivilliputtur seeking divorce and now it is pending for adjudication.

3.This petition is filed by the wife seeking transfer of the case in HMOP No.14 of 2023 on the ground that now she is living in Sanarapatti, Dindigul along with her aged parents and she has to travel Srivillipttur, which is more than 170 kms from her locality. So she seeks transfer of the petition to Family Court, Dindigul.



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4.Heard both sides.

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5.The learned counsel appearing for the respondent would submit that if the court feels for transferring the matter, then it may be transferred to any one of the Courts in between Dindigul and Virudhunagar preferably at Madurai.

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

7.So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, H.M.O.P.No.14 of 2023 pending on the file of the Principal Sub Court, Srivilliputhur stands transferred to the Family Court, Dindigul. The Principal Sub Court, Srivilliputhur is directed to transmit the case papers to the Family Court, Dindigul within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family Court, Dindigul, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law. The respondent is at liberty to approach the concerned court namely the transferee court



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seeking for dispensing with the personal appearance. No costs. Consequently, connected Miscellaneous Petition is closed.

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

- 1.The Principal Sub Court,
Srivilliputhur @ Virudhunagar District.
- 2.The Family Court,
Dindigul.
- 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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