



Tr.CMP.(MD)No.230 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.230 of 2024

and

C.M.P.(MD)No.5080 of 2024

Priyadharshini

.. Petitioner

Vs.

Vignesh

Represented by his Power Agent,
A.Manimaran

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No. 139 of 2021 on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to the Family Court, Sivagangai, Sivagangai District.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.139 of 2021 on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to the Family Court, Sivagangai, Sivagangai District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.09.2017 at Maya Thirumana Mandabam, Sivagangai District as per Hindu Rites and Customs. Out of the wedlock, a female child was born, who is aged about 4 years as of today.

3. Due to disputes and differences, the parties have separated, and the the respondent/husband has initiated the proceeding in H.M.O.P.No.139 of 2021 on the file of the Sub Court, Devakottai, Sivagangai District seeking divorce.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband



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has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Kottakudi, Sivagangai District. The distance between Kottakudi and Devakottai is around 100 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the 4 year old female child. Hence, she seeks transfer of proceeding from the file of the Sub Court, Devakottai to the file of the Family Court, Sivagangai.

7. Taking into consideration of the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.

8. The learned Judge, Sub Court, Devakottai, Sivagangai District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.139 of 2021 to the Family Court, Sivagangai, Sivagangai



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District within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Sivagangai, Sivagangai District is directed to take the case on file and dispose of the same in accordance with law.

9. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

30.08.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, Sub Court,
Devakottai, Sivagangai District
- 2.The learned Judge, Family Court,
Sivagangai, Sivagangai District

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and
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