



Tr.CMP.(MD)No.318 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.318 of 2024

and

C.M.P.(MD)No.7162 of 2024

Narmadha

.. Petitioner

Vs.

Jothivel

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in F.C.O.P.No.619 of 2023 on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Karur.

For Petitioner : Mr.M.Rajaguru

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in F.C.O.P.No.619 of 2023 on the file of the



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Family Court, Erode and transfer the same to the file of the Family Court, Karur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.09.2017 at Kodumudi as per Hindu Rites and Customs.

3. Due to disputes and differences that have arisen between the parties, the respondent/husband has initiated the proceeding in F.C.O.P.No. 619 of 2023 on the file of the Family court, Erode seeking divorce. Thereafter, the petitioner/wife has also initiated the proceeding in H.M.O.P.No.159 of 2024 on the file of the Family Court, Karur seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite service of notice, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



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6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Manmangalam Taluk in Karur District. She finds it very difficult to travel to Erode, which is about 60 Kms from Karur, for every Court hearing. Hence, she seeks transfer of proceeding from the file of the Family Court, Erode to the file of the Family Court, Karur.

7. Taking into consideration of the facts and circumstances of the case, and considering the convenience of the wife, and also being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this transfer petition.

8. The learned Judge, Family Court, Erode is directed to transmit the entire records pertaining to the case in F.C.O.P.No.619 of 2023 to the Family Court, Karur 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, Karur is directed to take the case on file and dispose of the same along with the proceeding in H.M.O.P.No.159 of 2024, which is pending on its file, in accordance with law.



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

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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, Family Court,
Erode
- 2.The learned Judge, Family Court,
Karur

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