



Tr.CMP.(MD)No.383 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.383 of 2024

and

C.M.P.(MD)No.8417 of 2024

Kamala

.. Petitioner

Vs.

Balamurugan

Represented through his father & Power Agent

Mr.V.S.Thirunavukkarasu

.. Respondent

(Mr.V.S.Thirunavukkarasu is recognized as power agent on behalf of the sole respondent/Balamurugan vide Court order dated 30.09.2024 made in C.M.P.(MD)No.13575 of 2024 in Tr.C.M.P.(MD)No. 383 of 2024 by PVMJ)



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Prayer : 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.53 of 2024 on the file of the Family Court, Ariyalur District and transfer the same to the file of the Family Court, Thanjavur.

For Petitioner : Mr.P.Vadivel

For Respondent : Mr.C.Jeya Prakash

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in F.C.O.P.No.53 of 2024 on the file of the Family Court, Ariyalur District and transfer the same to the file of the Family Court, Thanjavur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.11.2007 at Swaminatha Swamy Temple, Swamimalai, Thanjavur District as per the Hindu Rites and Customs. Out of the wedlock, a female child, named Anu Keerthana Bala, was born on 21.09.2009.



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3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.245 of 2022 on the file of the Family Court, Thanjavur seeking restitution of conjugal rights and the same was dismissed for default. In the meantime, the respondent/husband has also initiated the proceeding in H.M.O.P.No.31 of 2015 on the file of the Sub Court, Ariyalur seeking dissolution of marriage. On 30.04.2015, an *ex parte* decree for divorce was granted in the said proceeding. To set aside the said *ex parte* decree and to condone the delay, the petitioner/wife has filed the applications in I.A.Nos.1 of 2023 and 2 of 2023 before the Family Court, Ariyalur. The same were allowed on 11.03.2024, and the case in H.M.O.P.No.31 of 2015 was taken on file by the learned Judge, Family Court, Ariyalur District and was re-numbered as F.C.O.P. No.53 of 2024.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Thanjavur. The distance between Thanjavur and Ariyalur is around 60 Kms, and the petitioner/wife, being a



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lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the child. Hence, she seeks transfer of proceeding in F.C.O.P. No.53 of 2024 from the file of the Family Court, Ariyalur to the file of the Family Court, Thanjavur.

6. The learned counsel for the respondent would submit that his client has no objection for transferring the proceeding from the file of the Family Court, Ariyalur to the file of the Family Court, Thanjavur, but requests this Court to fix a time frame to dispose of the matter, since the matter is pending from the year 2015.

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

9. The learned Judge, Family Court, Ariyalur is directed to transmit the entire records, pertaining to the case in F.C.O.P.No.53 of 2024, to the file of the Family Court, Thanjavur 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, Thanjavur is directed to take the case on file



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and dispose of the same in accordance with law within a period of four months from the date of receipt of records.

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

15.10.2024

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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 Family Court,
Ariyalur

2.The Family Court,
Thanjavur

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and

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