



TR.C.M.P(MD).No.305 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.02.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.305 of 2023

and

C.M.P(MD)No.6869 of 2023

B.Vasanthi

... Petitioner

Vs

G.Baskaran

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceeding in H.M.O.P.No.174 of 2023 pending before the Subordinate Court, Sirkazhi and transfer the same to the Subordinate Court, Kumbakonam, Thanjavur District.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : No appearance



WEB COPY



TR.C.M.P(MD).No.305 of 2023

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the proceeding in H.M.O.P.No.174 of 2023 pending before the Subordinate Court, Sirkazhi and transfer the same to the Subordinate Court, Kumbakonam, Thanjavur District.

2. The respondent filed H.M.O.P.No.174 of 2023 before the Subordinate Judge, Sirkazhi, seeking restitution of conjugal rights. Seeking transfer of proceedings from Subordinate Court, Sirkali to Subordinate Court, Kumbakonam, on the ground that after the marriage, they were living together as husband and wife in the matrimonial home, located in Nagarparasalur, Sembanarkoil, Chennai, which comes under the jurisdiction of the Subordinate Court, Sirkazhi. Seeking transfer of the process, this petition is filed by the wife stating that under the influence of alcohol, she was harassed, ill treated and even assaulted. Because of the ill treatment, she left the matrimonial home along with her child, due to the illness of the child. She was informed that her husband vacated the house and also taken the belongings. He insisted her to come



TR.C.M.P(MD).No.305 of 2023

to his parental home. Because of that only, trouble has arisen between them. Considering the distance between her place of stay and the location of the Subordinate Court, Sirkali, this petition is filed stating that she is finding it difficult to travel a long distance to attend the Court proceedings, since she is having one year old child. The respondent even though served, she is not appeared before this Court.

3. In a matrimonial proceedings, the convenience of the wife is a relevant factor. However, considering the fact that the wife is living in a far away place from Sirkali, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

4. Accordingly, this Transfer Civil Petition is liable to be allowed. There shall be a direction to the learned Subordinate Judge, Sirkali, to transfer the entire records in H.M.O.P.No.174 of 2023, immediately to the file of the Subordinate Court, Kumbakonam. After receiving the records, the learned Subordinate Judge, Kumbakonam, may assign new number and issue notice to parties for appearance and dispose the case in



TR.C.M.P(MD).No.305 of 2023

accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

01.02.2024

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

pnn

To

1. The Subordinate Judge, Sirkazhi.
2. The Subordinate Judge, Kumbakonam,
Thanjavur District.



WEB COPY



TR.C.M.P(MD).No.305 of 2023

G.ILANGO VAN, J.

pnn

ORDER
IN
TR.C.M.P(MD)No.305 of 2023

01.02.2024