



TR.C.M.P(MD).No.343 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.343 of 2023
and
C.M.P(MD)No.7373 of 2023

Selvi @ Sandhiya

... Petitioner

Vs

Prakash

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in H.M.O.P.No.22 of 2023 on the file of the Subordinate Court, Aruppukottai, Virudhunagar District, to the file of the Family Court, Coimbatore.

For Petitioner : Mr.R.Aravind Raj

For Respondent : No appearance



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.22 of 2023 on the file of the Subordinate Court, Aruppukottai, Virudhunagar District, to the file of the Family Court, Coimbatore.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 10.12.2021 at Aruppukottai as per Hindu Rites and Customs. They started their matrimonial life at Aruppukottai. Due to some medical issues, misunderstanding arose between them. Later, the petitioner left the matrimonial home and she is living at Coimbatore with her parents. Now the petitioner is residing at Ramanathapuram in her parents' house. In the meantime, the respondent herein filed H.M.O.P.No.22 of 2023 for restitution of conjugal rights before the learned Subordinate Court, Aruppukottai, Virudhunagar District. Since she finds it very difficult to travel from Coimbatore to Aruppukottai, for about 300 kilometers, she



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wants transfer of the proceedings to the Family Court, Coimbatore. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Eventhough, the respondent was served, none appeared on behalf of the respondent.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Coimbatore, whereas the case was registered before the Subordinate Court, Aruppukottai.

5. However, considering the fact that the wife is living in a far away place from Aruppukottai, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

6. Accordingly, this Transfer Civil Petition is allowed. There shall be a direction to the learned Judge, Subordinate Court, Aruppukottai, Virudhunagar District, to transfer the entire records in H.M.O.P.No.22 of 2023, immediately to the file of the Family Court, Coimbatore. After receiving the records, the learned Judge, Family Court, Coimbatore, may



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assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

28.02.2024

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

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To

- 1.The Subordinate Judge, Aruppukottai, Virudhunagar District.
- 2.The Judge, Family Court, Coimbatore.



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G.ILANGO VAN, J.

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ORDER
IN
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