



TR.C.M.P(MD).No.333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.333 of 2023

and

C.M.P(MD)No.7247 of 2023

Jeyasudha

... Petitioner

Vs

Susindhiran

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.138 of 2023 on the file of the Principal Sub Court, Kumbakonam and transfer the same to Sub Court, Pudukkottai.

For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.G.Gomathi Sankar



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ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.138 of 2023 on the file of the Principal Sub Court, Kumbakonam and transfer the same to Sub Court, Pudukkottai.

2. H.M.O.P.No.138 of 2023 was filed by the respondent herein seeking decree of divorce against the petitioner herein before the learned Subordinate Court, Kumbakonam. Pending the process, this petition is filed by the wife stating that after the marriage they lived as husband and wife at Marudhanallur Village for about six years. They have a female child. Misunderstanding arose between them when the respondent used to check her cellphone messages etc. Suspecting her fidelity, the petitioner was harassed and tortured. She was also physically assaulted. She was also driven out of the matrimonial home. Thereafter only, the respondent filed the petition seeking divorce. Now she is residing in Valayapatti, Ponnamaravathy Taluk, Pudukkottai District. Finding it difficult to go to Kumbakonam to attend the matrimonial proceedings, this petition is filed.



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3. Heard both sides.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Ponnamaravathy, whereas the case was registered before the Subordinate Court, Kumbakonam. The respondent is invoked the jurisdiction of Subordinate Court, Kumbakonam, on the ground that they were residing within the jurisdiction of Kumbakonam before their separation. Apart from that it is also stated that she is living in Kumbakonam.

5. However, considering the fact that the wife is living in a far away place from Kumbakonam, 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 liable to be allowed. There shall be a direction to the learned Principal Subordinate Judge, Kumbakonam to transfer the entire records in H.M.O.P.No.138 of 2023, immediately to the file of the Subordinate Court, Pudukkottai. After



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receiving the records, the learned Subordinate Judge, Pudukkottai, may 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.

01.02.2024

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

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To

1. The Principal Subordinate Judge, Kumbakonam.
- 2.The Subordinate Judge, Pudukkottai.



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G.ILANGO VAN, J.

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ORDER
IN
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