



TR.C.M.P(MD).No.377 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.377 of 2023

and

C.M.P(MD)No.7961 of 2023

Mangayarkarasi

... Petitioner

Vs

Manikandan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.230 of 2023 on the file of the Family Court, Trichy and transfer the same to the Sub Court, Thirumayam, Pudukkottai to try along with the H.M.O.P.No. 81 of 2023.

For Petitioner : Mr.D.Rameshkumar

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.230 of 2023 on the file of the Family Court,



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Trichy and transfer the same to the Sub Court, Thirumayam, Pudukkottai to try along with the H.M.O.P.No.81 of 2023.

2. The case of the prosecution is that the marriage between the petitioner and the respondent was solemnized on 26.08.2021 at Melasivapuri, as per Hindu Rites and Customs. Due to the mental and physical harassment made by the respondent, the petitioner was driven out from the matrimonial home. Later the petitioner filed H.M.O.P.No. 18 of 2022 before the Principal Sub Court, Pudukkottai and the case was transferred and renumbered as H.M.O.P.No.81 of 2023, before the Subordinate Court, Thirumayam. She has filed D.V.P.No.18 of 2022 before the learned Judicial Magistrate, Thirumayam. The respondent herein filed H.M.O.P.No.230 of 2023 before the Family Court, Trichy. Finding it difficult to travel from Thirumayam to Trichy, to attend the Court proceedings, this petition came to be filed seeking transfer.

3. In spite of repeated adjournments, learned counsel for the respondent is not ready to argue the matter.



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4. 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 Trichy, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is liable to be allowed. There shall be a direction to the learned Judge, Family Court, Trichy, to transfer the entire records in H.M.O.P.No.230 of 2023, immediately to the file of the Subordinate Court, Thirumayam, Pudukkottai. After receiving the records, the learned Subordinate Judge, Thirumayam, Pudukkottai, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law and try along with the H.M.O.P.No.81 of 2023. Consequently, connected miscellaneous petition is closed. No costs.

20.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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G.ILANGO VAN, J.

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To

1. The Judge, Family Court, Trichy.
2. The Subordinate Judge, Thirumayam, Pudukkottai.

ORDER
IN
TR.C.M.P(MD)No.377 of 2023
and
C.M.P(MD)No.7961 of 2023

20.03.2024