



Tr.CMP.(MD)No.457 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.457 of 2024

and

C.M.P.(MD)No.10334 of 2024

G.Iswarya

.. Petitioner

Vs.

R.Balamurugan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No. 183 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Sub Court, Aruppukottai or any other competent Court in Virudhunagar District.

For Petitioner : Mr.B.Muneeswaran

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.183 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Sub Court, Aruppukottai or any other competent Court in Virudhunagar District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.11.2017 at Arulmigu Sivan Temple, Sivagangai as per Hindu Rites and Customs and the same was registered on the file of the Sub Registrar, Thiruchuli in Marriage Certificate No.20/2017.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.92 of 2024 on the file of the Sub Court, Aruppukottai seeking dissolution of marriage. Subsequently, the respondent/husband has also initiated the proceeding in H.M.O.P.No.183 of 2024 on the file of the Family Court, Sivagangai seeking restitution of conjugal rights.



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4. The name of the respondent has been printed in the cause list.

Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents at Panaiyur Village, Thiruchuli Taluk, Virudhunagar District. The distance between Panaiyur Village and Sivagangai is around 170 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding from the file of the Family Court, Sivagangai to the file of the Sub Court, Aruppukottai.

7. Taking into consideration of the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



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8. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.183 of 2024 to the Sub Court, Aruppukottai within a period of four weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Aruppukottai is directed to take the case on file and dispose of the same in accordance with law.

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

03.09.2024

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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 learned Judge, Family Court,
Sivagangai

2.The learned Judge, Sub Court,
Aruppukottai

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and

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