



Tr.CMP.(MD)No.367 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Tr.CMP.(MD)No.367 of 2023

and

CMP(MD)No.7841 of 2023

G.Shanthi

.. Petitioner

Vs.

R.Gunasekaran

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in HMOP.No.12 of 2023 on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Trichirappalli.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.K.Kumaravel

ORDER

The petitioner is the wife of the respondent. She is facing the divorce proceedings before the Family Court, Thanjavur in HMOP.No.12 of 2023 filed by her husband/respondent herein. This petition has been



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filed to transfer the HMOP.No.12 of 2023 from the file of the Family Court, Thanjavur to the file of the Family Court, Trichirappalli.

2.The learned counsel for the petitioner submitted that now the petitioner is residing at Madurai along with her age old parents and her son aged about 8 years. The petitioner's son is having severe neurological problems and affected by 'Epilepsy'. He further submitted that and she has to take care of her son and old aged parents and she has to travel around 150 kms to attend the Court proceedings from Trichy to Thanjavur and also to bear the travel expenses for each and every hearing and hence, it is very difficult for her to contest the case before the Family Court, Thanjavur. Hence, she filed this petition to transfer the HMOP.No.12 of 2023 from the file of the Family Court, Thanjavur to the file of the Family Court, Trichirappalli.

3.Heard both sides.

4.The learned counsel appearing for the respondent would submit that if the court feels for transferring the matter, then it may be transferred to any one of the Courts in between Trichy and Thanjavur.



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5. But this sort of contention cannot be accepted. In a matrimonial proceedings, the convenience of the wife is a parameter.

6. So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, H.M.O.P.No.12 of 2023 pending on the file of the Family Court, Thanjavur stands transferred to the Family Court, Trichy. The Family Court, Thanjavur is directed to transmit the case papers to the Family Court, Trichy within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family Court, Trichy, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law. The respondent is at liberty to approach the concerned court namely the transferee court seeking for dispensing with the personal appearance. No costs. Consequently, connected Miscellaneous Petition is closed.

08.03.2024

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



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To

1. The Judge, Family Court, Thanjavur.
2. The Judge, Family Court, Trichirappalli.



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G.ILANGOVA. J.

PJL

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