



TR.C.M.P(MD).No.448 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.448 of 2023

and

C.M.P(MD)No.9443 of 2023

Dhanapackiam

... Petitioner

Vs

K.Karthikeyan

... 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.109 of 2023 on the file of the Sub Court, Devakottai, Sivagangai District to the Sub Court at Melur, Madurai District.

For Petitioner : Mr.NA.Palaniyandi

For Respondent : No Appearance



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ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.109 of 2023 on the file of the Sub Court, Devakottai, Sivagangai District to the Sub Court at Melur, Madurai District.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 04.09.2014 at Singampunari Taluk, Sivagangai District, as per Hindu Rites and Customs. They started their matrimonial life at Devakottai. They are blessed two female children. Since there is no male child, the respondent's family members were proposed to arrange another marriage for the respondent. The petitioner was forcibly sent out of the matrimonial home. The compromise talks were not succeeded. Even after their separation, the respondent has not returned 20 sovereigns of gold jewels belonging to the petitioner. Therefore, a police complaint was given before the Thirupathur All Women Police Station. The petitioner filed a case in D.V.C.No.6 of 2020 before the learned Judicial Magistrate, Singampunari, Sivagangai District. The respondent filed



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divorce petition in H.M.O.P.No.124 of 2021. As per the order of this Court, the said case was transferred to the learned Subordinate Judge, Melur and renumbered as H.M.O.P.No.151 of 2021. After making a promise before the learned Subordinate Judge, for returning the belongings of the petitioner, the above case was withdrawn by the respondent. The order was not complied by the respondent. Again the petitioner filed H.M.O.P.No.109 of 2023 before the Subordinate Court, Devakottai, for restitution of conjugal rights. Since she finds it very difficult to travel from Melur, Madurai to Devakottai, for about 80 kilometers, she wants transfer of the proceedings to the Subordinate Court, Melur. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Eventhough notice 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 Madurai District, whereas the case was registered before the Subordinate Court, Devakottai.



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5. However, considering the fact that the wife is living in a far away place from Madurai, 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 Miscellaneous Petition is allowed. There shall be a direction to the learned Subordinate Judge, Devakottai, Sivagangai District, to transfer the entire records in H.M.O.P.No.109 of 2023, immediately to the file of the Subordinate Court, Melur. After receiving the records, the learned Subordinate Judge, Melur, may assign new number and issue notice to parties for appearance. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2024

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

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G.ILANGOVA, J.

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To

1. The Subordinate Judge, Devakottai,
Sivagangai District.
2. The Subordinate Judge, at Melur, Madurai District.

ORDER
IN

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02.02.2024