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Tr.CMP.(MD)No.477 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Tr.CMP (MD) No.477 of 2023

and

CMP (MD) No.10547 of 2023

G.Velkani : Petitioner/Respondent

Vs.

Anandharaj : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to pass an order to withdraw the case in HMOP No.18 of 2023 on the file of the Family Court, Sriviliputhur, Virudhunagar District and transfer the above case to the Family Court, Tuticorin, Tuticorin District and pass such order or orders.

For Petitioner : Mr.Ka.Ramakrishnan

For Respondent : Mr.T.Thirumurugan

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the HMOP No.18 of 2023 from the Family Court, Srivilliputhur, Virudhunagar District to Family Court, Tuticorin.



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2. The facts in brief:-

The marriage between the petitioner and the respondent took place on 23/01/2022 as per their religious customary rites. At the time of marriage, the parents of the wife provided 40 sovereigns of gold jewels and other household articles etc. Later, the husband started ill-treating, harassing and assaulting her. Now, she is living separately along with her parents. Later, the in-laws started making arrangement to perform second marriage to the husband. On 11/12/2022 the parents of the wife went to the husband house for compromise, at that time, they were assaulted by the husband and his family members. In this regard, on 13/12/2022, a complaint was given before the All Women Police Station, Srivilliputhur. In the meantime, the husband filed HMOP No.18 of 2023 before the Family Court, Srivilliputhur seeking divorce and now it is pending for adjudication.

3.This petition is filed by the wife seeking transfer of the case in HMOP No.18 of 2023 on the ground that now she is living in Tuticorin along with her aged parents and she has to travel Srivilliputhur, which is more than 125 kms from her locality.

4.Heard both sides.



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5.The learned counsel appearing for the respondent would submit that the petition may be transferred to the middle place, so that both the parties can attend the court of their convenience.

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

7.So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, HMOP No.18 of 2023 pending on the file of the Family Court, Srivilliputhur @ Virudhunagar stands transferred to the Family Court, Tuticorin. The Family Court, Srivilliputhur @ Virudhunagar District is directed to transmit the case papers to the Family Court, Tuticorin within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family court, Tuticorin may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law.

8.With the above-said directions, the Transfer Civil Miscellaneous Petition stands **allowed**. However, there



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shall be no order as to costs. Consequently, connected
Miscellaneous Petition is closed.

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Index:Yes/No
Internet:Yes/No
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To,

- 1.The Family Court,
Srivilliputhur @ Virudhunagar District.
- 2.The Family Court,
Tuticorin.
- 3.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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