



TR.C.M.P(MD).No.552 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.552 of 2022

and

C.M.P(MD)No.8753 of 2022

Vijayalakshmi

... Petitioner

Vs

Sudalai Selvam

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P.No.70 of 2022 on the file of the Family Court, Udthagamandalam, Nilgiris to the Family Court, Thoothukudi District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.L.Shaji Chellan

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.70 of 2022 on the file of the Family



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Court, Udthagamandalam, Nilgiris to the Family Court, Thoothukudi District.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 09.02.2017 at Thoothukudi as per Hindu Rites and Customs. They started their matrimonial life at Thoothukudi, where the respondent was residing. They were blessed with two children. Due to difference of opinion, the petitioner was ousted out from the matrimonial home. Now the petitioner is residing at Thoothukudi in her parents' house with the children. In the meantime, the respondent herein filed H.M.O.P.No.70 of 2022 for divorce before the Family Court, Udagamandalam, Nilgiris. Since she finds it very difficult to travel from Thoothukudi to Udagamandalam, for about 860 kilometers, she wants transfer of the proceedings to the Family Court, Thoothukudi. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Learned counsel for the respondent expressed objections.



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4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Thoothukudi, whereas the case was registered before the Family Court, Udagamandalam. However, 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 Petition is allowed. There shall be a direction to the learned Judge, Family Court, Udagamandalam, to transfer the entire records in H.M.O.P.No.70 of 2022, immediately to the file of the Family Court, Thoothukudi. After receiving the records, the learned Judge, Family Court, Thoothukudi, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

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

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G.ILANGOVAN, J.

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To

1. The Judge, Family Court, Udthagamandalam, Nilgiris.
2. The Judge, Family Court, Thoothukudi District

ORDER
IN
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