



TR.C.M.P(MD).No.498 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.498 of 2023
and
C.M.P(MD)No.10901 of 2023

Pandeeswari Brintha

... Petitioner

Vs

1.Baskaran

2.Selvarani

3.Govindaraj

... Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in G.W.O.P.No.191 of 2023 from the file of the learned II Additional District and Sessions Judge, Tiruchirappalli to the Principal District and Sessions Judge, Madurai.

For Petitioner : Mr.S.M.Ramasiva

For R1 : No appearance

For R2 & R3 : Mr.K.Arun Raja



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in G.W.O.P.No.191 of 2023 from the file of the learned II Additional District and Sessions Judge, Tiruchirappalli to the learned Principal District and Sessions Judge, Madurai.

2. The case of the prosecution is that, the petitioner is the wife of the first respondent. The marriage between them was solemnized in the year 2008. Due to the wedlock two children were born to them. The first respondent borrowed money from several persons and left India. All those persons who lend money to him were approached the petitioner herein for repayment. When he went to abroad, he has given the custody of the children to the second and third respondents. After getting order from this Court by filing of H.C.P., the custody of the children were given to the petitioner. Even thereafter the respondents took away the children with them, from the school, without the knowledge of the petitioner herein. Therefore, she filed G.W.O.P.No.191 of 2023 before the learned II Additional District and Sessions Judge, Tiruchirappalli.



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Since she finds it very difficult to travel from Madurai to Trichy, due to her illness and since she is facing life threat at Trichy, she wants transfer of the proceedings to the Principal District and Sessions Court, Madurai. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Eventhough, the respondent 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, whereas the case was registered before the II Additional District and Sessions Judge, Tiruchirappalli. 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 II Additional District and Sessions Judge, Tiruchirappalli, to transfer the entire records in G.W.O.P.No.191 of 2023, immediately to the file of the learned Principal District and Sessions Judge, Madurai. After receiving the records, the learned Principal District and Sessions Judge, Madurai, may assign new number



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and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

28.02.2024

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

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To

1. The II Additional District and Sessions Judge, Tiruchirappalli
2. The Principal District and Sessions Judge, Madurai.



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G.ILANGO VAN, J.

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ORDER
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