



TR.C.M.P(MD).No.526 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.526 of 2023

and

C.M.P(MD)No.11612 of 2023

N.Priya Nivetha

... Petitioner

Vs

K.Deepak

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.81 of 2023 on the file of the Principal Sub Court, Hosur and transfer the same to the learned Family Court, Dindigul to be tried along with M.C.No.24 of 2023 pending on the file of the Family Court, Dindigul.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.S.Murthy

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.81 of 2023 on the file of the Principal Sub Court, Hosur and



TR.C.M.P(MD).No.526 of 2023

transfer the same to the learned Family Court, Dindigul to be tried along with M.C.No.24 of 2023 pending on the file of the Family Court, Dindigul.

2. The case of the prosecution is that the marriage between the petitioner and the respondent was solemnized on 06.04.2022. This is the second marriage for both of them. After marriage, they started matrimonial life at Hosur. The petitioner alleges that from the date of marriage the respondent has avoided consummation. Later, the respondent admitted her health issues. Due to the misunderstanding arose between them, the petitioner was driven out from the matrimonial home. Later the petitioner filed M.C.No.24 of 2023 before the Family Court, Dindigul. The respondent filed H.M.O.P.No.81 of 2023 seeking divorce before the principal Subordinate Court, Hosur. Now the petitioner is living with her parents at Dindigul. Finding it difficult to travel from Dindigul to Hosur, to attend the Court proceedings, this petition came to be filed seeking transfer, to try both the proceedings together.



TR.C.M.P(MD).No.526 of 2023

WEB COPY

3. Learned counsel for the respondent submitted that the respondent has no objection in transferring the case, but he requests this Court to issue a direction to the trial Court to complete the trial within a stipulated time fixed by this Court.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. However, considering the fact that the wife is living in a far away place from Hosur, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed. In so far as the request made by the respondent, he may approach the concerned Court by setting out all the facts and it is for the trial Court to consider the request of the respondent.

5. Accordingly, this Transfer Civil Miscellaneous Petition is liable to be allowed. There shall be a direction to the learned Principal Subordinate Judge, Hosur, to transfer the entire records in H.M.O.P.No. 81 of 2023, immediately to the file of the Family Court, Dindigul. After receiving the records, the learned Judge, Family Court, Dindigul, may assign new number and issue notice to parties for appearance and dispose



TR.C.M.P(MD).No.526 of 2023

the case in accordance with law and try this case along with M.C.No.24 of 2023. Consequently, connected miscellaneous petition is closed. No costs.

20.03.2024

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

pnn

To

1. The Principal Subordinate Judge, Hosur.
2. The Judge, Family Court, Dindigul.



WEB COPY



TR.C.M.P(MD).No.526 of 2023

G.ILANGOVA, J.

pnn

ORDER
IN
TR.C.M.P(MD)No.526 of 2023
and
C.M.P(MD)No.11612 of 2023

20.03.2024