



TR.C.M.P(MD).No.540 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.02.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.540 of 2023

and

C.M.P(MD)No.11966 of 2023

SA.Ramyabharathi

... Petitioner

Vs

C.Rajkumar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case on the file of the Family Court, Karur in HMOP No.188 of 2023 and transfer the same to the Sub Court, Tiruchencode, Namakkal District.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.N.Anandakumar



TR.C.M.P(MD).No.540 of 2023

ORDER

WEB COPY

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.188 of 2023 on the file of the Family Court, Karur and transfer the same to the Sub Court, Tiruchencode, Namakkal District.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 19.11.2018 at Palamadai, Aravakurichi Taluk, Karur District as per Hindu Rites and Customs. This marriage is the second marriage for the respondent. Due to some medical issues arose between the respondent and petitioner, they were blessed with a female child in IUI treatment. Difference of opinion arose between them and the petitioner left the matrimonial home, along with the child. The respondent filed H.M.O.P.No.43 of 2021 before the Subordinate Court, Karur. Thereafter the case was transferred to Family Court, Karur and renumbered as H.M.O.P.No.188 of 2023. The petitioner filed M.C.No.5 of 2021 before the learned Judicial Magistrate, Thiruchencode, Namakkal District and interim maintenance was also ordered. Since she finds it very difficult to



TR.C.M.P(MD).No.540 of 2023

travel from Karur to Thiruchencode, for about 60 kilometers, she wants transfer of the proceedings to the Subordinate Court, Thiruchencode, to try both the cases together. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Learned counsel for the respondent would submit that the respondent has no objection in transferring the proceedings to the Subordinate Court, Thiruchencode.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Namakkal District, whereas the case was registered before the Subordinate Court, Thiruchencode.

5. However, considering the fact that the wife is living in a far away place from Karur, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.



TR.C.M.P(MD).No.540 of 2023

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. There shall be a direction to the learned Judge, Family Court, Karur , to transfer the entire records in H.M.O.P.No.188 of 2023, immediately to the file of the Subordinate Court, Thiruchencode. After receiving the records, the learned Subordinate Judge, Thiruchencode, 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

pnn

To

- 1.The Judge, Family Court, Karur.
- 2.The Subordinate Judge, Tiruchencode,
Namakkal District.



WEB COPY



TR.C.M.P(MD).No.540 of 2023

G.ILANGOVA, J.

pnn

ORDER
IN
TR.C.M.P(MD)No.540 of 2023

02.02.2024