



Tr.CMP.(MD)No.652 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Tr.CMP.(MD)No.652 of 2022

and

CMP(MD)No.10388 of 2022

S.Gayathri

.. Petitioner

Vs.

G.Sriram

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in HMOP.No.1037 of 2022 on the file of the Family Court, Madurai and transfer the same to any competent Court at Aranthangi.

For Petitioner : Mr.R.Paranjothi

For Respondent : Mr.K.Sathishkumar

ORDER

The petitioner is the wife of the respondent. She is facing the divorce proceedings before the Family Court, Madurai in HMOP.No. 1037 of 2022 filed by her husband/respondent herein. This petition has



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been filed to transfer the HMOP.No.1037 of 2022 from the file of the Family Court, Madurai to any other competent Court at Aranthangi.

2.The learned counsel for the petitioner submitted that the petitioner is now residing at Aranthangi along with her child in her parental home with her parents. He further submitted that the petitioner has to travel along with her child to attend the Court proceedings from Aranthangi to Madurai and she is not in a position to travel from Aranthangi to Madurai for every hearing along with her child and it is difficult for her to contest the case before the Family Court, Madurai. Hence, he seeks to transfer the case to any other competent Court at Aranthangi.

3.Heard both sides.

4.The learned counsel appearing for the respondent would submit that if the court feels for transferring the matter, then it may be transferred to any one of the Courts in between Madurai and Aranthangi.

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



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6. So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, H.M.O.P.No.1037 of 2022 pending on the file of the Family Court, Madurai stands transferred to the Sub Court, Aranthangi. The Family Court, Madurai is directed to transmit the case papers to the Sub Court, Aranthangi within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Sub Court, Aranthangi, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law. The respondent is at liberty to approach the concerned court namely the transferee court seeking for dispensing with the personal appearance. No costs. Consequently, connected Miscellaneous Petition is closed.

7. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected miscellaneous petition is closed.

08.03.2024

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



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To

1. The Judge, Family Court, Madurai.

2. The Judge, Sub Court, Aranthangi.

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G.ILANGOVAN. J.

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