



TR.C.M.P(MD).No.587 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.587 of 2023

and

C.M.P(MD)No.13174 of 2023

S.Thamaraiselvi

... Petitioner

Vs

M.R.Balaji

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.2383 of 2023 on the file of the I Additional Principal Judge, Family Court, Chennai and transfer the same to the Sub Court, Arupukottai, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : No appearance



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TR.C.M.P(MD).No.587 of 2023

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.2383 of 2023 on the file of the I Additional Principal Judge, Family Court, Chennai and transfer the same to the Sub Court, Arupukottai, Virudhunagar District.

2. The case of the prosecution is that the petitioner herein is the wife of the respondent. On 16.05.2011, the marriage between the petitioner and respondent took place. Sridhana articles and gold jewels were given during the marriage as dowry. A female child was born on 30.03.2022. The respondent was addicted to alcohol. He harassed the petitioner under the influence of alcohol and abused her in abusive language. She left the matrimonial home in the month of December, 2022. A police complaint was given by the petitioner against the respondent and his family members. Thereafter, the respondent filed H.M.O.P.No.2383/2023 for divorce, before the I Additional Principal Judge, Family Court, Chennai. Hence, the petitioner is now living with



TR.C.M.P(MD).No.587 of 2023

her parents at Kariyapatti, Virudhunagar District. She finds it very difficult to travel 978 kms to attend Court proceedings at Chennai, this Transfer Civil Miscellaneous Petition is filed.

3. Even though notice was served on the respondent, none appeared on behalf of him.

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 Kariyapatti, Virudhunagar District, 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 liable to be allowed. There shall be a direction to the learned I Additional Principal Judge, Family Court, Chennai, to transfer the entire records in H.M.O.P.No.2383 of 2023, immediately to the file of the Subordinate Court, Aruppukottai. After receiving the records, the learned Subordinate Judge, Aruppukottai, may assign new number and issue



TR.C.M.P(MD).No.587 of 2023

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

01.02.2024

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

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To

1. The I Additional Principal Judge, Family Court, Chennai.
- 2.The Subordinate Judge, Arupukottai, Virudhunagar District.



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TR.C.M.P(MD).No.587 of 2023

G.ILANGO VAN, J.

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ORDER
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