



TR.C.M.P(MD).No.599 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.599 of 2023

and

C.M.P(MD)No.13252 of 2023

N.Megalai

... Petitioner

Vs

M.Kishore Kumar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.739 of 2022 on the file of the Family Court, Theni and transfer the same to the file of the Subordinate Court, Dindigul to be tried along with H.M.O.P.No.171 of 2022 on the file of the Sub Court, Dindigul.

For Petitioner : Mr.M.Viji

For Respondent : Mr.S.A.Ajmal Khan



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.739 of 2022 on the file of the Family Court, Theni and transfer the same to the file of the Subordinate Court, Dindigul to be tried along with H.M.O.P.No.171 of 2022 on the file of the Sub Court, Dindigul.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 14.02.2021 at Bodinaickanur, as per Hindu Rites and Customs. At the time of marriage, the petitioner's parents have presented 106 sovereigns of gold jewels and household articles worth about Rs.5,00,000/- to the respondent and his family. Difference of opinion arose between them since the respondent was addicted to alcohol and demanded the jewels from the petitioner for his needs. A female child was also born on 14.12.2021. Thereafter, the petitioner left the matrimonial home. The petitioner filed H.M.O.P.No.171 of 2022 before the Subordinate Court, Dindigul, seeking divorce. The respondent filed H.M.O.P.No.739 of 2022 before the Family Court, Theni, for restitution of conjugal rights.



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The petitioner filed M.C.No.04 of 2022 and D.V.C.No.05 of 2022 before the Judicial Magistrate, Attur. Since she finds it very difficult to travel from Dindigul to Theni along with her child and since, three petitions are pending before the Courts at Dindigul District, she wants the HMOP proceedings pending before the Family Court, Theni, to be transferred to the Subordinate Court, Dindigul and since, to try all the cases together. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Learned counsel for the respondent made formal objections.

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

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



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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. There shall be a direction to the learned Judge, Family Court, Theni, to transfer the entire records in H.M.O.P.No.739 of 2022, immediately to the file of the Subordinate Court, Dindigul. After receiving the records, the learned Subordinate Judge, Dindigul, may assign new number and issue notice to parties for appearance and try the case along with H.M.O.P.No.171 of 2022 pending on his file. Consequently, connected miscellaneous petition is closed. No costs.

26.03.2024

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

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To

- 1.The Judge, Family Court, Theni.
2. The Subordinate Judge, Dindigul.

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G.ILANGO VAN, J.

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