



TR.C.M.P(MD).No.606 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.606 of 2023

and

C.M.P(MD)No.13464 of 2023

P.Ragavi

... Petitioner

Vs

D.Muthukrishnan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case O.P.No.264 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Palani.

For Petitioner : Mr.K.R.Manimaran

For Respondent : No appearance



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.P.No.264 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Palani.

2. The case of the prosecution is that the petitioner is the wife. The marriage between the petitioner and the respondent took place on 29.11.2021 at Palani. Trouble arose between them, when the respondent repeatedly demanded dowry from the petitioner's family. They used to attack the petitioner and abused her in filthy language by demanding dowry. Unable to tolerate the acts of the respondent and his family, the petitioner lodged a complaint before the All Women Police Station at Palani and a case in Crime No.8 of 2022 came to be registered against the respondent. Thereafter, the petitioner filed H.M.O.P.No.95 of 2022 before the Subordinate Court, Palani, seeking restitution of conjugal rights. The respondent has filed O.P.No.264 of 2023 before the Family Court, Theni, seeking dissolution of marriage. Since the petitioner is now living with her parents at Palani, she finds it very difficult to travel



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100 kilometers to attend Court proceedings at Theni and she wants to transfer the case in O.P.No.264 of 2023 before the Family Court, Theni to the Subordinate Court, Palani, for joint trial of the cases. Hence, this Transfer Civil Miscellaneous Petition came to be filed.

3. The respondent, even though served, she has not appeared before 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 Theni, 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 Judge, Family Court, Theni, to transfer the entire records in O.P.No.264 of 2023, immediately to the file of the Subordinate Court, Palani. After receiving the records, the learned Subordinate Judge, Palani, may assign new number and issue notice to



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parties for appearance and dispose the case in accordance with law along with H.M.O.P.No.95 of 2022. 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 Judge, Family Court, Theni.
2. The Subordinate Judge, Palani.



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G.ILANGO VAN, J.

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ORDER
IN
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