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Tr.CMP.(MD)No.626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Tr.CMP (MD) No. 626 of 2023

and

CMP (MD) No.13968 of 2023

Pavithra : Petitioner/Respondent

Vs.

Saroon : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the case in HMOP No.30 of 2023 on the file of the Subordinate Judge, Mudhukulathur and transfer the same to the Family Judge, Madurai and pass such further or other orders.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.A.Uthayakumar

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case in HMOP No.30 of 2023 pending on the file of the Subordinate Judge, Mudhukulathur to the Family Judge, Madurai.



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2. The facts in brief:-

The marriage between the husband and wife took place on 26/11/2020 at Sri Kannan Temple, Udayanathapuram, Kamuthi, Ramanathapuram District. The marriage expenses were born on both sides equally. At the time of marriage, the wife of provided with 50 sovereigns of gold ornaments. Within a month of marriage, the husband went to Kuwaiti for his job. Out of the wedlock, a male child born to them. In the month of October 2022, the husband came to India, but never contacted the wife. On 16/12/2022 when she went to the matrimonial home, she was assaulted by his husband and his family members. So she was forced to give a complaint before the Thallakulam Police Station, Madurai and FIR in Crime No.891 of 2022 was also registered. As a counter blast, a case in Crime No.892 of 2021 was registered against the wife and her relative. In spite of repeated attempt made by the elder of the family members, there is no possibility of reunion. The husband filed HMOP No.30 of 2023 on the file of the Sub Court, Mudukulathur, in order to harass her. Further, the husband filed GWOP No.56 of 2023 on the file of the Principal District Judge, Ramanathapuram, seeking divorce and now it is pending for adjudication.



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3.This petition is filed by the wife seeking transfer of the case in HMOP No.30 of 2023 on the ground that now she is living in Madurai along with to years old boy and also working as a Software Engineer in a Private Company at Madurai. So she seeks transfer of the petition to Madurai.

4.Heard both sides.

5.The respondent is made strong objection to transfer the matter.

6.In a matrimonial proceedings, the convenience of the wife is a parameter.

7.So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, HMOP No.30 of 2023 pending on the file of the Subordinate Judge, Mudhukulathur stands transferred to the Family Judge, Madurai. The Subordinate Judge, Mudhukulathur is directed to transmit the case papers to the Family Judge, Madurai within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family Judge, Madurai, may assign new number and conduct the trial, after issuing notice to the



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parties for appearance and dispose the case in accordance with law.

8.With the above-said directions, the Transfer Civil Miscellaneous Petition stands **allowed**. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions is closed.

16/02/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Subordinate Judge,
Mudhukulathur
- 2.The Principal District Judge,
Madurai.



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G.ILANGO VAN, J

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