



TR.C.M.P(MD).No.612 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.612 of 2023

and

C.M.P(MD)No.13761 of 2023

Kamatchi

... Petitioner

Vs

Rajesh @ Vedharaj

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the original petition in H.M.O.P.No.107 of 2023 from the file of the learned Subordinate Judge, Thiruvarur and to transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Ms.P.Yasmin Begum

For Respondent : No appearance



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the original petition in H.M.O.P.No.107 of 2023 from the file of the learned Subordinate Judge, Thiruvarur and to transfer the same to the file of the learned Judge, Family Court, Sivagangai.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 29.01.2012 at Tirupur as per Hindu Rites and Customs. They started their matrimonial life at Thiruvarur, where the respondent was residing. They are blessed with a male child. Due to difference of opinion, the petitioner was ousted out from the matrimonial home. Now the petitioner is residing at Sivagangai in her parents' house. In the meantime, the respondent herein filed H.M.O.P.No.137 of 2019 for divorce before the learned Subordinate Judge, Thiruvarur. After filing Tr.C.M.P., the case was transferred to Sivagangai and the same was dismissed. The petitioner filed M.C.No.3 of 2020 before the learned Family Court, Sivagangai. The same was allowed and the respondent was directed to pay



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maintenance to the petitioner. But till not he has not complied the order.

The respondent has filed H.M.O.P.No.107 of 2023 before the Subordinate Court, Thiruvarur, for restitution of conjugal rights. Since she finds it very difficult to travel from Sivagangai to Thiruvarur, for about 210 kilometers, she wants transfer of the proceedings to the Family Court, Sivagangai. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Eventhough, the respondent was served, none appeared on behalf of the respondent.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Sivagangai , whereas the case was registered before the Subordinate Court, Thiruvarur. However, 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 allowed. There shall be a direction to the learned Subordinate Judge, Thiruvarur, to transfer the entire records in H.M.O.P.No.107 of 2023, immediately to the file of



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the Family Court, Sivagangai. After receiving the records, the learned Judge, Family Court, Sivagangai, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

04.03.2024

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

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To

1. The Subordinate Judge, Thiruvarur.
2. The Judge, Family Court, Sivagangai.



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G.ILANGO VAN, J.

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ORDER
IN
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