



TR.C.M.P(MD).No.738 of 2022

**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.738 of 2022**

**and**

**C.M.P(MD)No.11723 of 2022**

R.Bavya

... Petitioner

Vs

E.B.Kadir

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.42 of 2022 pending before the Principal Sub Court, Tiruchirappalli and transfer the same to the Sub Court, Thuraiyur and to club together along with H.M.O.P.No.44 of 2022 on the file of the Sub Court, Thuraiyur.

For Petitioner : Mr.K.Muthumalai

For Respondent : No appearance



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**ORDER**

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.42 of 2022 pending before the Principal Sub Court, Tiruchirappalli and transfer the same to the Sub Court, Thuraiyur and to club together along with H.M.O.P.No.44 of 2022 on the file of the Sub Court, Thuraiyur.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 11.11.2021 at Murugan Temple, Tiruchirapalli District, as per Hindu Rites and Customs. At the time of marriage, the petitioner's parents have given 21 1/2 sovereigns of gold jewels, household articles worth about Rs.3,50,000 and a case of Rs.1 Lakh to the respondent and his family. Difference of opinion arose between them and the petitioner left the matrimonial home. The respondent filed H.M.O.P.No.42 of 2022 before the Principal Subordinate Judge, Tiruchirappalli. The petitioner has filed H.M.O.P.No.44 of 2022 before the Subordinate Court, Thuraiyur for



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restitution of conjugal rights. Since she finds it very difficult to travel from Thuraiyur to Tiruchirapalli, for about 50 kilometers, she wants transfer of the proceedings to the Subordinate Court, Thuraiyur, to try both the cases together. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Eventhough, the respondent was served, there was no appearance on behalf of the respondent on 07.03.2024. Today also none appeared for the respondent.

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Thuraiyur, whereas the case was registered before the Principal Subordinate Court, Tiruchirapalli.

5. However, considering the fact that the wife is living in a far away place from Tiruchirappalli, 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 Principal Subordinate Judge, Tiruchirappali, to transfer the entire records in H.M.O.P.No.42 of 2022, immediately to the file of the Subordinate Court, Thuraiyur. After receiving the records, the learned Subordinate Judge, Thuraiyur , may assign new number and issue notice to parties for appearance. 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 Principal Subordinate Judge, Tiruchirappali.
- 2.The Subordinate Judge, Thuraiyur.

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**G.ILANGO VAN, J.**

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