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Tr.CMP.(MD)No.671 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:28/03/2024

CORAM

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

Tr.CMP (MD) No. 671 of 2023

and

CMP (MD) No.14991 of 2023

V.Sathiya Priya : Petitioner/Respondent

Vs.

A.Nachimuthu Dass @ Dhivakar : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to pass an order to withdraw the case HMOP No.45 of 2023 on the file of the Sub Court, Dindigul and transfer the same to the Family Court, Virudhunagar at Srivilliputhur.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.N.Rahamadullah

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the case HMOP No.45 of 2023 on the file of the Sub Court, Dindigul and transfer the same to the Family Court, Virudhunagar at Srivilliputhur.



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2. The facts in brief:-

The marriage between the petitioner and the respondent took place on 10/12/2021 at Shree Subramaniyam Samy Temple, Thiruparangundram, Madurai as per their customary rites. At the time of marriage, both are living in Bangalore, where they were working. At the time of marriage, sufficient seervarisai was provided by the parents of the wife. Thereafter, her husband and his parents, demanded more dowry. Thereafter, due to matrimonial dispute, they were living separately. In spite of repeated attempt made by the elder of the family members, there is no possibility of reunion. In the meantime, the husband filed HMOP No.45 of 2023 on the file of the Sub Court, Dindigul seeking divorce and now it is pending for adjudication.

3.This petition is filed by the wife seeking transfer of the case in HMOP No.45 of 2023 on the ground that now she is living in Sivakasi along with her aged parties mother and she has to travel Dindigul, which is more than 260 kms from her locality.

4.Heard both sides.



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5.The learned counsel appearing for the respondent would submit that the petition may be transferred to the middle place, so that both the parties can attend the court for their convenience.

6.But this sort of contention cannot be raised and accepted. 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.45 of 2023 pending on the file of the Sub Court, Dindigul, stands transferred to the Family Court, Srivilliputhur @ Virudhunagar. The Sub Court, Dindigul is directed to transmit the case papers to the Family Court, Srivilliputhur @ Virudhunagar within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family court, Srivilliputhur @ Virudhunagar District may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law.



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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 Petition is closed.

28/03/2024

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

1. The Sub Court,
Dindigul.
2. The Family Court,
Srivilliputhur @ Virudhunagar Dt.
3. The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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