



TR.C.M.P(MD).Nos.676, 678 and 679 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)Nos.676, 678 and 679 of 2023

and

C.M.P(MD)Nos.15159, 15165 and 15168 of 2023

TR.C.M.P(MD)No.676 of 2023

S.Nandhini

... Petitioner

Vs

G.Sathesh Kumar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceeding in H.M.O.P.No.508 of 2021 before the Family Court, Madurai and transfer the same to the Family Court, Trichy.

TR.C.M.P(MD)No.678 of 2023

1.S.Nandhini

2.Minor. Darshan

... Petitioners

Vs

1/8



TR.C.M.P(MD).Nos.676, 678 and 679 of 2023

G.Sathesh Kumar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceeding in M.C.No.24 of 2022 before the Family Court, Madurai and transfer the same to the Family Court, Trichy.

TR.C.M.P(MD)No.679 of 2023

1.S.Nandhini

2.Minor. Darshan

... Petitioners

Vs

1. G.Sathesh Kumar

2.G.Chandralekha

... Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceeding in D.V.O.P.No.38 of 2023 before the Additional Mahila Court, Madurai and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : Mr.V.Santhakumaresan

(in all cases)



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COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed to withdraw the proceedings in H.M.O.P.No.508 of 2021 and in M.C.No.24 of 2022 before the Family Court, Madurai and the proceedings in D.V.O.P.No.38 of 2023 before the Additional Mahila Court, Madurai and transfer those proceedings to the Family Court, Trichy.

2. The case of the prosecution is that the petitioner namely Nandhini and the respondent namely G.Sathesh Kumar, got married on 29.11.2009 at Madurai, as per Hindu rites and rituals. They are also having a 13 years old son. The petitioner alleges that the respondent and his family demanded and received 60 sovereigns of gold jewels and household appliances and utensils worth about Rs.6,00,000/-. They resided in Bengaluru, Chennai and United States. In the year 2021, the respondent left the petitioner and their son at the petitioner's parents' home and never came back to bring them with him. When the petitioner went to the respondent's home, they demanded additional dowry of Rs.10 Lakhs. In the meantime, the respondent filed H.M.O.P.No.508 of 2021



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before the Family Court, Madurai, seeking divorce. The petitioner filed M.C.No.24 of 2022, for maintenance before the same Court and also filed D.V.O.P.No.38 of 2023, before the learned Additional Mahila Court, Madurai. The petitioner is residing in her parents home at Viralimalai. Since the petitioner's son is also studying at Viralimalai, she finds it difficult to attend the Court proceedings by leaving her school going son and to travel nearly 100 kilometers to Madurai. Hence, this Transfer Civil Miscellaneous Petition is filed.

3. Learned counsel for the petitioner submits that since three matters are pending in two different Courts in Madurai, all the three matters may be transferred to the file of the Family Court, Trichy.

4. Learned counsel for the respondent submits that all the three matters may be transferred to the Subordinate Court, Manapparai, since the petitioner is residing in Viralimalai and she can very well attend the Subordinate Court, Manapparai.



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5. Per contra, learned counsel for the petitioner would submit that the Family Court, Trichy, is more convenient for her. The distance between Viralimalai to Manapparai, far than the Courts in Trichy.

6. In view of the above submission, this Court is of the view that instead of Trichy, Manapparai will be convenient for the petitioner to attend the Court proceedings. H.M.O.P. proceedings can be transferred to the Subordinate Court, Manapparai, but the D.V.C., proceedings can be transferred only to the Judicial Magistrate, Manapparai.

7. Hence, the proceedings in H.M.O.P.No.508 of 2021, pending before the Family Court, Madurai, is withdrawn and transferred to the Subordinate Court, Manapparai. Similarly, the proceedings in D.V.O.P.No.38 of 2023 before the Additional Mahila Court, Madurai, is withdrawn and transferred to the Judicial Magistrate, Manapparai. The proceedings in M.C.No.24 of 2022 before the Family Court, Madurai, is withdrawn and transferred to the Judicial Magistrate Court, Manapparai.



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8. Accordingly, these Transfer Civil Miscellaneous Petition are allowed with the following directions :

(i) There shall be a direction to the learned Judge, Family Court, Madurai, to transfer the entire records in H.M.O.P.No.508 of 2021, immediately to the file of the Subordinate Court, Manapparai. After receiving the records, the learned Subordinate Judge, Manapparai, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law.

(ii) There shall be a direction to the learned Judge, Additional Mahila Court, Madurai, to transfer the entire records in D.V.O.P.No.38 of 2023, immediately to the file of the Judicial Magistrate Court, Manapparai. After receiving the records, the learned Judicial Magistrate, Manapparai, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petitions are closed. No costs.

(iii) There shall be a direction to the learned Judge, Family Court, Madurai, to transfer the entire records in M.C.No.24 of 2022, immediately to the file of the Judicial Magistrate Court, Manapparai. After receiving the records, the learned Judicial Magistrate, Manapparai,



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may assign new number and issue notice to parties for appearance and dispose the case in accordance with law, along with the proceedings in D.V.O.P.No.38 of 2023.

(iv) Consequently, connected miscellaneous petitions are closed.

No costs.

19.02.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Additional Mahila Court, Madurai.
3. The Subordinate Judge, Manapparai.
- 4.The Judicial Magistrate, Manapparai.



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G.ILANGO VAN, J.

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