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Tr.CMP.(MD)No.673 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/01/2024

CORAM

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

Tr.CMP (MD) No. 673 of 2023

and

CMP (MD) No.15058 of 2023

P.Raja Rajeshwari (a) Swathi : Petitioner/Respondent

Vs.

S.Thalapathy : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw and transfer the HMOP No.231 of 2023 from the Sub Court, Sivakasi to any of the competent court at Dindigul.

For Petitioner : Mr.N.Marimuthu

For Respondent : Mr.R.Karunanithi

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the HMOP No.231 of 2023 from the Sub Court, Sivakasi to any of the competent court at Dindigul.



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2. The facts in brief:-

The petitioner is wife of the respondent/husband facing the divorce proceedings before the Sub Court, Sivakasi in HMOP No.231 of 2023. After the marriage, they lived in Sivakasi. Both were already married and got divorced from the respective spouses. Thereafter, due to matrimonial tiff, 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.231 of 2023 before the Sub Court, Sivakasi 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.231 of 2023 on the ground that now she is living in Dindigul along with her aged parents and she has to travel Sivakasi, which is more than 125 kms from her locality.

4.Heard both sides.

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



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6. So without going into other aspects, this Transfer Civil Miscellaneous petition **allowed**. Accordingly, H.M.O.P.No.231 of 2023 pending on the file of the Sub Court, Sivakasi stands transferred to the Family Court, Dindigul. The Sub Court, Sivakasi is directed to transmit the case papers to the Family Court, Dindigul within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Family Court, Dindigul, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law.

7. 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.

19/01/2024

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

1. The Sub Court,
Sivakasi.

2. The Family Court,
Dindigul.



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G.ILANGOVAN, J

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