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Tr.CMP(MD)No.712 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.712 of 2023

and

CMP(MD)No.15917 of 2023

Sasikala : Petitioner/Respondent/
Wife

Vs.

Murali : Respondent/Petitioner/
Husband

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the case in OP No.50 of 2023 on the file of the Family Court, Chengalpattu, and to transfer Sub Court, Devakottai and pass such other or further orders.

For Petitioner : Mr.N.Kamesh

For Respondent : Mr.A.Punithavanan

O R D E R

This Civil Miscellaneous Petition is filed seeking transfer of the petition in OP No.50 of 2023 on the file of the Family Court, Chengalpattu, and to transfer Sub Court, Devakottai.



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2. The facts in brief:-

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The petitioner is wife of the respondent facing the divorce proceedings before the Family Court, Chengalpattu in OP No.50 of 2023. After the marriage they lived in Kottankulathur. Out of the wedlock, a male child namely Harini was born on 03/05/2006 and now she is studying 11th Standard. Thereafter, due to matrimonial issue, the wife left from the matrimonial home along with her daughter. In spite of repeated attempt made by elder of the family members, there was no possibility of reunion. In the husband filed OP No.50 of 2023 before the Family Court, Chengalpattu seeking divorce. Now it is pending.

3.This petition is filed by the wife seeking transfer of the case in OP No.50 of 2023 on the ground that the petitioner has to travel 450 km from her village to Chengalpattu.

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, OP No. 50 of 2023 on the file of the Sub court, Chengalpattu stands transferred to the Sub Court, Devakottai. The Sub Court, Chengalpattu is directed to transmit the case papers to the Sub Court, Devakottai within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Sub Court, Devakottai, 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,
Chengalpattu.

2. The Sub Court,
Devakottai.



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