



TR.C.M.P(MD).No.686 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No. 686 of 2023

and

C.M.P(MD)No.15312 of 2023

Sudha

... Petitioner

Vs

Vivek

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.1237 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Sankarankovil.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.A.Banumathi



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TR.C.M.P(MD).No.686 of 2023

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.1237 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Sankarankovil.

2. The case of the prosecution is that the marriage between the petitioner and the respondent was solemnized on 10.04.2019 at Madurai. At the time of marriage, the petitioner's parents were presented 15 sovereigns of gold jewels and household articles worth about 30,000/-. According to the petitioner, from the date of marriage, the petitioner was put to harassment by her husband / respondent herein, for want of additional dowry. The petitioner was sent to her parents' home. A female child was born to them and now she is aged about 3 1/2 years. Even after delivery of the child, the respondent has not come forward to see the petitioner and their child. Thereafter, the respondent filed H.M.O.P.No.94 of 2021 before the Family Court, Madurai, for restitution of conjugal right. Since the petitioner is not in a position to attend the hearings at Madurai, she filed Tr.C.M.P.No.97 of 2021 and the same was



TR.C.M.P(MD).No.686 of 2023

allowed by transferring the H.M.O.P.No.94 of 2021 from the file of Family Court, Madurai to Subordinate Court, Sankarankovil and the same was renumbered as H.M.O.P.No.92 of 2021. The petitioner has also filed M.C.No.12 of 2022 before the Judicial Magistrate Court, Sankarankovil. The respondent has filed H.M.O.P.No.1237 of 2023 before the Family Court, Madurai, for dissolution of marriage. The petitioner is now residing with her parents at Thiruvengadam, Tenkasi District which is her native, she finds it difficult to attend the Court proceedings at Madurai. She wants the proceedings pending before the Family Court, Madurai, to be transferred to the Subordinate Court, Sankarankovil, to conduct joint trial with the proceedings pending before the Subordinate Court, Sankarankovil. Hence this petition came to be filed.

3. Learned counsel for the respondent expressed objections in transferring the matter from the Family Court, Madurai, but no reason assigned.

4. In view of the submissions and in the case of matrimonial



TR.C.M.P(MD).No.686 of 2023

proceedings, the interest of the wife is the paramount, this Transfer Civil Miscellaneous Petition is allowed. There shall be a direction to the learned Judge, Family Court, Madurai, to transfer the entire records in the proceedings in H.M.O.P.No.1237 of 2023 immediately to the file of the Subordinate Court, Sankarankovil. After receiving the records, the learned Subordinate Judge, Sankarankovil, may assign new number and conduct joint trial of this case along with the H.M.O.P.No.92 of 2021 pending on his file, after issuing notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is 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.

4/6



TR.C.M.P(MD).No.686 of 2023

2. The Subordinate Judge, Sankarankovil.

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TR.C.M.P(MD).No.686 of 2023

G.ILANGO VAN, J.

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ORDER
IN
TR.C.M.P(MD)No. 686 of 2023
and
C.M.P(MD)No.15312 of 2023

19.02.2024