



Tr.C.M.(MD)No.714 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11/01/2024

CORAM

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

Tr.CMP(MD)No.714 of 2023

Dhivya : Petitioner/Respondent

Vs.

R.Pradeep Kumar @ Anand : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw and transfer the petition in HMOP No.192 of 2022 filed by the respondent from Sub Court, Palani Camp @ Kodaikkanal to the Family Court, Theni or any other competent Court at Theni.

For Petitioner : Mr.R.Rajaraman

For Respondent : No appearance

O R D E R

This Civil Miscellaneous Petition is filed seeking transfer of the petition in HMOP No.192 of 2022 filed by the respondent from Sub Court, Palani Camp @ Kodaikkanal to the Family Court, Theni.



Tr.C.M.(MD)No.714 of 2023

2. The facts in brief:-

WEB COPY

The petitioner is wife of the respondent facing the divorce proceedings before the Sub Court, Palani camp at Kodaikkannal in HMOP No.192 of 2022. After the marriage they lived in Kodaikkannal in a rented house. Since she has not become pregnant, her mother-in-law abused her frequently. When that was informed to her husband, he did not take proper care. In spite of repeated attempt made by her to have a medical check up the respondent take any proper care and arrangement. In the meantime, he filed HMOP No.59 of 2023 before the Sub Court, Palani Camp at Kodaikkannal seeking divorce. The petitioner filed a petition in HMOP No.59 of 2023 before the Family Court, Theni for restitution of conjugal rights. Both are pending before separate courts.

3.This petition is filed transfer of the case in HMOP No.192 of 2023 on the ground that the petitioner has to travel Kodaikkannal which is more than 240 kms from her locality.

4.Even though notice is served upon the respondent, he has not chosen to appear before this court either in person or through advocate. So after hearing the learned



Tr.C.M.(MD)No.714 of 2023

counsel appearing for the petitioner, this order is passed.

WEB COPY

5.In a matrimonial proceedings, the convenience of the wife is a parameter. Considering the two cases pending before the two separate courts, it may not be appropriate on the part of the enquiry courts in both matters to proceed without taking into account the finality of other matter conflict of decision may occur in both the matters.

6.So without going into other aspects, this Transfer Civil Miscellaneous petition allowed. Accordingly, H.M.O.P.No.192 of 2022 pending on the file of the Sub Court, Palani champ at Kodaikkannal stands transferred to the Family Court, Theni. The Sub Court, Palani camp at Kodaikkannal is directed to transmit the case papers to the Family Court, Theni within a period of four weeks from the date of receipt of a copy of this order.

7.With the above-said directions, the Transfer Civil Miscellaneous Petition stands **allowed**. However, there shall be no order as to costs.

11/01/2024

Index:Yes/No
Internet:Yes/No
er



Tr.C.M.(MD)No.714 of 2023

WEB COPY To,

- 1.The Sub Court,
Palani camp at Kodaikkannal.
- 2.The Family Court,
Theni.



WEB COPY



Tr.C.M.(MD)No.714 of 2023

G.ILANGO VAN, J

er

Tr.CMP (MD) No.714 of 2023

11/01/2024