



TR.C.M.P(MD).No.709 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.709 of 2023

and

C.M.P(MD)No.15885 of 2023

Sabiyakani

... Petitioner

Vs

Sundar

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the S.M.O.P.No.271 of 2023, on the file of the Principal District Court, Thoothukudi and transfer the same to the file of the Principal District Court, Ramanathapuram.

For Petitioner : Mr.G.Vishnuram

For Respondent : Mr.Porkodikarnan
for M/s. Polax Legal Solutions



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ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw the S.M.O.P.No.271 of 2023, on the file of the Principal District Court, Thoothukudi and transfer the same to the file of the Principal District Court, Ramanathapuram.

2. The case of the prosecution is that the marriage between the parties took place on 11.01.2010 at Sub Registrar, Joint No.I, Chennai South Registration Office, since it was a love marriage. During the marriage, the petitioner's parents have given 50 sovereigns of gold jewels to the respondent and household articles worth about Rs.2,00,000/-. A female child was also born on 24.05.2020. The petitioner got appointment in the Primary Health Centre at Keezhaeral Village but the respondent has not arranged any job for him and used to borrow money from lenders in the name of petitioner and he has also stolen the cheque belongs to the petitioner. Due to the activities of the respondent, misunderstanding arose between them. Therefore, the petitioner filed S.M.O.P.No.271 of 2023 before the Principal District Court, Thoothukudi. She is living with her aged parents at Ramanathapuram.



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Finding it difficult to appear before the Principal District Court, Thoothukudi, by travelling from Ramanathapuram, to attend the Court proceedings, this petition is filed seeking transfer of the proceedings to the Principal District Court, Ramanathapuram.

3. Heard the learned counsel for the respondent, who stated that the respondent has no objection to transfer the case. According to him, it may be transferred to any Court in the middle of these districts.

4. The request of the respondent cannot be taken at this stage. In a matrimonial proceedings, the convenience of the wife is a relevant factor. However, considering the fact that the wife is living in a far away place from Thoothukudi, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is liable to be allowed. There shall be a direction to the learned Principal District Judge, Thoothukudi, to transfer the entire records in S.M.O.P.No.271 of



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2023, immediately to the file of the Principal District Judge, Ramanathapuram. After receiving the records, the learned Principal District Judge, Ramanathapuram, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

20.03.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The Principal District Judge, Ramanathapuram.
- 2.The Principal District Judge, Thoothukudi.



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G.ILANGO VAN, J.

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