



TR.C.M.P(MD).No.766 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.02.2024

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.766 of 2023

and

C.M.P(MD)No.17160 of 2023

P.Raja Rajeshwari

... Petitioner

Vs

K.Kavimani

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.85 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of Family Court, Sivagangai and try the same along with M.C.No.4 of 2023 pending before the Family Court, Sivagangai.

For Petitioner : Mr.K.Chengizkhan

For Respondent : No appearance



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ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.85 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of Family Court, Sivagangai and try the same along with M.C.No.4 of 2023 pending before the Family Court, Sivagangai.

2. The case of the prosecution is that the petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 16.04.2011 as per Hindu Rites and customs. They loved each other and marriage against the wish of both side parents. The petitioner is a degree holder and the respondent studied only upto 10th standard. The respondent went to Dubai for job. The petitioner has completed preliminary examination in her I.A.S. career. Thereafter, she came to know that the respondent is addicted to alcohol. Under the influence of alcohol, the respondent said to have harassed her and demanded dowry. Since they have no children, they went to consult with a Doctor and he gave a report that there is some deficiency with the



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respondent. The petitioner also alleged that the respondent has received money from the petitioner's parents for arranging job to her brother. A complaint was given against the respondent in this regard. The petitioner left the matrimonial home. The respondent filed H.M.O.P.No.85 of 2023 before the Sub Court, Devakottai, for divorce. The petitioner filed M.C.No.4 of 2023 before the Family Court, Sivagangai and also she filed D.V.C.No.8 of 2023 before the Judicial Magistrate Court No.1, Sivagangai. Since the HMOP proceedings is pending at Devakottai, she finds it difficult to attend the Court proceedings. This petition came to be filed seeking transfer of the H.M.O.P.No.85 of 2023 from the file of the Sub Court, Devakottai to the file of Family Court, Sivagangai, to be tried along with the other proceedings pending at Sivagangai.

3. Eventhough, notice is served, none appeared on behalf of the respondent.

4. 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 Sivagangai, considering the convenience of the



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petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed.

5. Accordingly, this Transfer Civil Petition is liable to be allowed.

There shall be a direction to the learned Subordinate Judge, Devakottai, to transfer the entire records in H.M.O.P.No.85 of 2023, immediately to the file of the Family Court, Sivagangai. After receiving the records, the learned Judge, Family Court, Sivagangai, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law along with the case in M.C.No.4 of 2023 pending on his file. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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G.ILANGO VAN, J.

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To

1. The Sub Judge, Devakottai.
2. The Family Judge, Sivagangai.

ORDER
IN

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