



TR.C.M.P(MD).No.780 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.780 of 2023

and

C.M.P(MD)No.17479 of 2023

R.Divya Lakshmi

... Petitioner

Vs

G.Meenakshi Sundaram

... 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.161 of 2023 on the file of the Sub Court, Sankarankovil and transfer the same to the III Additional Sub Court, Madurai.

For Petitioner : Mr.V.Sasi Kumar

For Respondent : No appearance



TR.C.M.P(MD).No.780 of 2023

ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.161 of 2023 on the file of the Sub Court, Sankarankovil and transfer the same to the III Additional Sub Court, Madurai.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 03.06.2022 at Tenkasi as per Hindu Rites and Customs. They started their matrimonial life at Sivagiri, where the respondent was residing. Due to difference of opinion, the petitioner was ousted out from the matrimonial home. Now the petitioner is residing at Madurai at her parents' house. In the meantime, the respondent herein filed H.M.O.P.No.161 of 2023 for divorce before the Subordinate Court, Sankarankovil. Since she finds it very difficult to travel from Madurai to Sankarankovil, she wants transfer of the proceedings to the III Additional Subordinate Court, Madurai. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

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



TR.C.M.P(MD).No.780 of 2023

4. In a matrimonial proceedings, the convenience of the wife is a relevant factor. Here, the petitioner is living in Madurai, whereas the case was registered before the Subordinate Court, Sankarankovil. However, considering the convenience of the petitioner to attend the Court proceedings, this Transfer Civil Petition is liable to be allowed. When a Family Court is available at Madurai, it is only proper, if the case is to be transferred to the Family Court, Madurai.

5. Accordingly, this Transfer Civil Petition is allowed. There shall be a direction to the learned Judge, Subordinate Court, Sankarankovil, to transfer the entire records in H.M.O.P.No.161 of 2023, immediately to the file of the Family Court, Madurai. After receiving the records, the learned Judge, Family Court, Madurai, 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.

04.03.2024

NCC :Yes/No
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TR.C.M.P(MD).No.780 of 2023

G.ILANGO VAN, J.

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To

1. The Subordinate Judge, Sankarankovil.
2. The Judge, Family Court, Madurai.

ORDER
IN

TR.C.M.P(MD)No.780 of 2023

04.03.2024