



Tr.C.M.P.(MD).No.773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.773 of 2023
and C.M.P.(MD).No.17308 of 2023

P.Nivethika

... Petitioner/Respondent

Vs.

M.Sivasankar

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.245 of 2022 pending before the Principal Sub Court, Dindigul and transfer the same to the Family Court, Theni.

For Petitioner : Mr.B.Senthilkumar

For Respondent : Mr.J.Alaguram Jothi

ORDER

This petition has been filed to withdraw the H.M.O.P.No.245 of 2022 pending before the Principal Sub Court, Dindigul and transfer the same to the Family Court, Theni.



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2.The facts in brief:

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The marriage was solemnized between the parties on 10.03.2019. At the time of marriage the petitioner's parents give 50 sovereigns of gold jewels and Rs.5,00,000/- cash as dowry. But, the respondent and his family members demanded more dowry from the petitioner and harassed the petitioner. Hence, dispute arose between them. Due to which, the petitioner filed D.V.C.No.18 of 2023 before the Additional Mahila Court, (Magistrate Level), Theni. The respondent filed H.M.O.P.No.245 of 2022 seeking divorce before the file of Principal Sub Court, Dindigul. In the meantime the petitioner filed H.M.O.P.No.375 of 2023 for restitution of conjugal rights on the filed of the Family Court, Theni. To conduct joint trial in this matter, the petitioner filed this petition seeking transfer.

3.Heard both sides.

4.The learned counsel for the respondent would submit that the respondent has no objection to transfer the case.



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5.Considering the facts and circumstances of the case and considering the convenience of the wife, the H.M.O.P.No.245 of 2022 filed by the respondent on the file of the Sub Court, Dindigul, is ordered to be withdrawn and transferred to the Family Court, Theni, to try along with H.M.O.P.No.375 of 2023.

6.Accordingly, this transfer civil miscellaneous petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

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

To

- 1.The Principal Subordinate Judge, Dindigul.
- 2.The Judge, Family Court, Theni.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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