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Tr.CMP.(MD)Nos.13 and 85 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:28/03/2024

CORAM

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

Tr.CMP(MD)Nos.13 and 85 of 2024

(1)Tr.CMP(MD)No.13 of 2024:-

Shanmuga Priyadarshini : Petitioner/Respondent

Vs.

S.Murugapandian @ Madan : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the petition in HMOP No.4622 of 2023 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Madurai and pass such further or other order.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.T.Lenin Kumar

(1)Tr.CMP(MD)No.85 of 2024:-

Murugapandiyan @ Madan : Petitioner/Respondent

Vs.

Shanmuga Priyadarshini : Respondent/Petitioner

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the HMOP No.1172 of 2023 on the file of the Family Court, Madurai and transfer the same to the Family



Tr.CMP.(MD)Nos.13 and 85 of 2024

Court, Chennai, to be tried along with HMOP No.4622 of 2023 on the file of the Family court, Chennai.

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For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.R.Balakrishnan

O R D E R

Tr.CMP(MD)No.13 of 2024 is filed by the wife seeking withdrawal the petition in HMOP No.4622 of 2023 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Madurai, whereas Tr.CMP(MD)No.85 of 2024 has been filed seeking to withdraw the HMOP No.1172 of 2023 on the file of the Family Court, Madurai and transfer the same to the Family Court, Chennai, to be tried along with HMOP No.4622 of 2023.

2.The facts in brief:-

The marriage between the petitioner and the respondent took place on 09/09/2015 at Brindavanan Marriage Hall, Chinniyampalayam, Coimbatore, as per their customary rites. At the time of marriage, the parents of the wife gifted gold jewels, house-hold articles and Car. Out of the wedlock, two male children born to them. Thereafter, the husband did not go for job properly. So, misunderstanding arose between the husband and wife and



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Tr.CMP.(MD)Nos.13 and 85 of 2024

they were living separately. In spite of repeated attempt made by the elder of the family members, there is no possibility of reunion. In the meantime, the wife filed HMOP No.1172 of 2023 on the file of the Family Court, Madurai, seeking divorce on the ground of cruelty. Thereafter, the husband filed HMOP No.4622 of 2023 on the file of the Family court, Chennai for restitution of conjugal rights. Now both the matters are pending before the respective courts. Both the parties filed petitions seeking transfer of other matters to the Courts at their convenience.

3.When the matter for transfer of matrimonial proceedings, it is the basic and fundamental law that convenience of the wife alone is the basis criteria.

4.Now the husband says that he has to travel more than 700 kms; he is working in Chennai.

5.Similarly the wife says that she has to travel about 700 kms from her parental home to attend the Court at Chennai. Both of them expressing grievance over the distance of travel.



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Tr.CMP.(MD)Nos.13 and 85 of 2024

6. Even though, the learned counsel appearing for the husband is also ready to meet out the expenses of his wife to attend the Court at Chennai, as mentioned above, the basic principles must be adopted, unless a specific cause is shown by the husband.

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

8. So without going into other aspects, petition filed by the **wife** in Tr.CMP(MD)No.13 of 2014 is **allowed**. The petitioner filed by the **husband** in Tr.CMP(MD)No.85 of 2014 is **dismissed**. Accordingly, HMOP No.4622 of 2023 pending on the file of the Family Court, Chennai is transferred to the Family Court, Madurai, to try along with HMOP No.1172 of 2023 pending on the file of the Family Court, Madurai. The Family Court, Chennai is directed to transmit the entire case papers to the Family Court, Madurai, within a period of four weeks from the date of receipt of a copy of this order. After receiving



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Tr.CMP.(MD)Nos.13 and 85 of 2024

the records, the Family Court, Madurai, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

28/03/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Family Court,
Chennai.
- 2.The Family Court,
Madurai.
- 3.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.CMP.(MD)Nos.13 and 85 of 2024

G.ILANGOVA, J

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Tr.CMP (MD) Nos.13 and 85 of 2024

28/03/2024