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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2015

CORAM :

WEB COPY THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

TR.CMP (MD)No.35 of 2015 and M.P (MD)No.1 of 2015

Saraswathi

... Petitioner

Vs.

Murugan

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in GWOP.No.145 of 2014 on the file of the Principal District Court, Thanjavur and to transfer the same to the file of Family Court, Dindigul, to be tried along with HMOP.No.39 of 2014 on the file of the Family Court, Dindigul.

For Petitioner : Mr.P.Athimoolapandian

For Respondent : Mr.P.Sathiaseelan

O R D E R

The petitioner is the wife. Her husband/respondent filed C.S.No.09A/2011 on the file of the Family Court, Bilaspur, Chattisgar, for divorce and the same was transferred to the Family Court, Dindigul, and numbered as HMOP.No.39 of 2014. Whiles, the respondent filed GWOP.No.145 of 2014 on the file of the Principal District Court, Thanjavur, claiming guardianship for minor children and those children are with the petitioner herein.

2.Now, the petitioner has filed the present petition, seeking transfer of GWOP.No.145 of 2014 from the file of the Principal District Court, Thanjavur, to the file of the Family Court, Dindigul, stating that having minor children, it is difficult to her to travel from Dindigul to Thanjavur.

3.Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/> 4. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of wife shall be given



preference. Furthermore, the learned counsel for the respondent has no objection to allow the petition. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

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5. Accordingly, the petition is allowed and GWOP.No.145 of 2014 on the file of the Principal District Court, Thanjavur, is hereby withdrawn and transferred to the file of Family Court, Dindigul, if the same is not yet disposed of. The learned Principal District Judge, Thanjavur, is directed to send the case bundles forthwith to the Family Court Judge, Dindigul, who on receipt of the same shall try GWOP.No.145 of 2014 along with HMOP.No.39 of 2014 and dispose the same. No costs. M.P (MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To
1)The Principal District Judge,
Thanjavur.

2)The Judge,
Family Court,
Dindigul.

+1cc to Mr.P.Athimoola Pandian,Advocate, SR.No.15498

ORDER MADE IN
TR.CMP (MD)No.35 of 2015
AND
M.P (MD)No.1 of 2015
DATED : 27.03.2015

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PA/09.04.2015/2P/4C