



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

Tr.C.M.P(MD)No.103 of 2018 and
C.M.P(MD)No.2266 of 2018

Jeyakodi

... Petitioner

Vs.

Karthigairaja

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP.No.11 of 2017 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr. M. Karunanithi

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No.11 of 2017, on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.12.2016, as per Hindu Rites and Customs. A female child was born in the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner was sent out from matrimonial home. Thereafter, the respondent filed HMOP.No.11 of 2017, before the Family Court, Sivagangai, for divorce.

3. Now, the petitioner is residing at Madurai, with her aged parents. The distance between Madurai and Sivagangai is approximately 50 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.11 of 2017, pending on the file of Family Court, Sivagangai, along with her minor child. Further, there is no one to accompany with her to travel such a long distance to attend HMOP.No.11 of 2017, before the Family Court, Sivagangai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer HMOP.No.11 of 2017, on the file of Family Court, Sivagangai, to Family Court, Madurai.



4. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through counsel.

5. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Further, the petitioner has given valid reasons to Transfer the HMOP. Therefore, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this Petition is allowed with the following directions:-

(a) The learned Judge, Family Court, Sivagangai, is directed to transmit the entire records pertaining to the case in HMOP No.11 of 2017 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Judge, Family Court, Madurai, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of four months.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Sivagangai
2. The Judge, Family Court, Madurai.

+1CC to Mr.M.Karunanithi, Advocate, SR.No. 60553

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