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Tr.C.M.P(MD)No.103 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.103 of 2023
and
C.M.P.(MD).Nos.2465 and 2466 of 2023

N.Keerthana

... Petitioner/
Respondent

Vs.

R.Nagendiran

... Respondent/
Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in I.A.No.88 of 2022 in H.M.O.P. Unnumbered/2022, pending on the file of the Sub-Court, Neyveli and to transfer the same to the file of the Family Court, Madurai.

For Petitioner
For Respondent

:Mr.J.Jeyakumaran
:Mr.S.Suresh Manikam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in I.A.No.88 of 2022 in H.M.O.P. Unnumbered/2022, pending on the file of the Sub-Court, Neyveli and to transfer the same to the file of the Family Court, Madurai.



2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3.The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 19.05.2022. Due to some misunderstanding arose between them, the respondent/husband filed a petition in I.A.No.88 of 2022 before the Sub-Court, Neyveli, for restitution of conjugal rights. Pursuant to which, the petitioner/wife filed H.M.O.P, to stay the proceedings in I.A.No.88 of 2022 and the same is pending without numbering. Now the petitioner is residing in her parental home at Madurai and the distance between Madurai to Neyveli is approximately 300 kms. Therefore, it is very difficult for the petitioner to travel from Madurai to Neyveli and hence, he prays for transferring the case from Neyveli to Madurai.

4.It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be ordered.



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5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the I.A.No.88 of 2022 in H.M.O.P. Unnumbered/2022 pending on the file of the Subordinate Court, Neyveli, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Sub-Court, Neyveli, is directed to transmit the entire records pertaining to the case in I.A.No.88 of 2022 in H.M.O.P. Unnumbered/2022 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. However, The personal appearance of the respondent for routine hearing is dispensed with before the Family Court, Madurai. However, the respondent shall appear before the Court as and when ever the presence of the respondent is required as per the direction of the Family Court, Madurai. The Registry is also directed to send back the papers that are pending before the Registry if any. No costs. Consequently, the connected miscellaneous petitions are closed.

01.09.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

- 1.The Family Court,
Madurai.
- 2.The Sub-Court,
Neyveli.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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