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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

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

Tr.C.M.P(MD)No.411 of 2023

and

C.M.P.(MD).No.8578 of 2023

Kamatchi Gayathri

... Petitioner/Respondent

Vs.

Ashok Pandian

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.36 of 2023 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Madurai.

For Petitioner

:Mr.S.Poornachandran

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.36 of 2023 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Madurai.

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



3.The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 26.04.2007 and out of their wedlock, they were blessed with two children. After the delivery, she completed MS degree and practicing as a Doctor. While so, the respondent decided to construct a hospital, for which, he made her as a borrower and obtained loan in her name to the tune of Rs.60 lakhs. Thereafter, the petitioner was directed by the respondent to do work from morning to mid night. Due to which, she became very sick. When she expressed her inability, the respondent and his parents attacked her stating that if she is not making money, they will not be permitted her to live in the matrimonial home. However, the respondent did not change his attitude and thrown out her from the matrimonial home. In such circumstances, the respondent filed H.M.O.P.No.323 of 2019 before the Family Court, Dindigul for restitution of conjugal rights. Therefore, the petitioner filed Tr.C.M.P(MD)No.164 of 2020 seeking to transfer the said HMOP from the Family Court, Dindigul to the Family Court, Madurai. This Court by order dated 21.09.2020 transferred the case to the III Additional Sub Court, Madurai. Subsequent to which, the respondent withdrew the said HMOP.

4.Thereafter, the respondent filed another H.M.O.P.No.36 of 2023 before the Family Court, Dindigul, for divorce. Now, the petitioner is residing in her parental home at Madurai and the distance between Madurai



and Dindigul is approximately 70 kms. It is very difficult for her to travel from Madurai to Dindigul. Hence, she prays for transfer the case from Dindigul to Madurai.

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. Therefore, I am of the view that the petition filed by the wife is liable to be ordered.

6.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.36 of 2023 pending on the file of the Family Court, Dindigul, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Dindigul, is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 36 of 2023 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. The Registry is also directed to send back the papers that are pending before the Registry if any. No costs. Consequently, the connected miscellaneous petition is closed.

13.09.2023

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



K.GOVINDARAJAN THILAKAVADI, J.

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To

1.The Family Court,
Madurai.

2.The Family Court,
Dindigul.

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P(MD)No.411 of 2023
and
C.M.P.(MD).No.8578 of 2023

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