



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM

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

Tr.C.M.P(MD)No.263 of 2023

and

C.M.P.(MD).No.5815 of 2023

Alagammai

... Petitioner/
Respondent-wife

Vs.

Manikandan

... Respondent/
Petitioner-Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.1017 of 2022 on the file of the Family Court, Madurai and transfer the same to the Sub-Court, Devakottai.

For Petitioner

:Mr.D.Rameshkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.1017 of 2022 on the file of the Family Court, Madurai and transfer the same to the Sub-Court, Devakottai.



2. Heard the learned counsel appearing for the petitioner and there is no representation on behalf of the respondent and also perused the materials available on record.

3. The learned counsel appearing for the petitioner/wife would submit that the respondent/husband has filed H.M.O.P.No.1017 of 2022 against the petitioner/wife before the Family Court, Madurai, seeking divorce. He further submitted that the petitioner's life is in danger, if she enters into Madurai for attending the Court hearings, since the respondent is an influenced person in Madurai. Now the petitioner is residing in her parental home at Sivagangai and the distance between Sivagangai and Madurai is approximately 90 kms. Therefore, it may not be feasible for the petitioner to travel from Sivagangai to Madurai and hence, he prays for transferring the case from Madurai to the Sub-Court, Devakottai.

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.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.1017 of 2022 pending on the file of the Family Court,



Madurai, is ordered to be withdrawn and transferred to the file of the Sub-Court, Devakottai. The learned Family Court Judge, Madurai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.1017 of 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. 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.

03.07.2023

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

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



K.GOVINDARAJAN THILAKAVADI, J.

Ns

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