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Tr.C.M.P(MD)No.299 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

CORAM

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

Tr.C.M.P(MD)No.299 of 2023
and
C.M.P(MD)No.6819 of 2023

Archana

... Petitioner/
Respondent-wife

Vs.

A.Karthik

... Respondent/
Petitioner-Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.81 of 2021 on the file of the Sub-Court, Devakottai and transfer the same to the file of the Subordinate Court, Sivakasi.

For Petitioner
For Respondent

:Mr.N.Dilip Kumar
:Mr.C.Jeganathan

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife to withdraw the H.M.O.P.No.81 of 2021 on the file of the Sub-Court, Devakottai and transfer the same to the file of the Subordinate Court, Sivakasi.



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 marriage between the petitioner and the respondent was solemnized on 29.10.2020. During the time of marriage, the respondent was taking care of his father's business and he was also working in an Auditor Office at Sivakasi. After their marriage, they lived along with other members of the joint family at Sivakasi. Out of their wedlock, they were blessed with a female child. Due to some misunderstanding arose between them, the respondent has filed H.M.O.P.No.81 of 2023 before the Sub-Court, Devakottai, for divorce against the petitioner. Now the petitioner is residing in her parental home at Sivakasi and the distance between Sivakasi and Devakottai is approximately 150 kms. Therefore, it may not be feasible for the petitioner to travel from Sivakasi to Devakottai and hence, she prays for transferring the case from the Sub-Court, Devakottai to Sivakasi.

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Petition is allowed and the H.M.O.P.No.81 of 2023 pending on the file of the Sub-Court, Devakottai, is ordered to be withdrawn and transferred to the file of the Sub-Court, Sivakasi. The learned Subordinate Court, Devakottai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.81 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. After receiving the case records, the Sub-Court, Sivakasi, is directed to dispose the H.M.O.P.No.81 of 2023 on merits and in accordance with law, within a period of three months from the date of receiving the case records. 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.

18.07.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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K.GOVINDARAJAN THILAKAVADI, J.

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To

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

Tr.C.M.P(MD)No.299 of 2023
and
C.M.P(MD)No.6819 of 2023

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