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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM

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

Tr.C.M.P(MD)No.316 of 2023
and
C.M.P(MD)No.7018 of 2023

Kamalam @ Chellamani

... Petitioner/Respondent

Vs.

M.Vetrivel

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.153 of 2022 pending on the file of the learned Sub-Court, Kulithalai and to transfer the same to the learned Principal Sub-Court, Dindigul and to dispose of the same in accordance with law.

For Petitioner
For Respondent

:Mr.V.Manikandan
:Mr.T.Leninkumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.153 of 2022 pending on the file of the learned Sub-Court, Kulithalai and to transfer the same to the learned Principal Sub-Court, Dindigul and to dispose the same in accordance with law.



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 02.06.1995 and out of their wedlock, they were blessed with a male child. Due to some misunderstanding arose between them, the respondent/husband filed a petition in H.M.O.P.No.153 of 2022 before the Sub-Court, Kulithalai, for divorce. He further submitted that when the petitioner was travelling to the Court, she was harassed by the respondent. Now the petitioner is residing in her parental home at Dindigul and the distance between Kulithalai and Dindigul is approximately 140 kms. Therefore, it is very difficult for her to travel from Dindigul to Kulithalai and hence, she prays for transferring the case from Kulithalai to the Dindigul.

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is allowed and the H.M.O.P.No.153 of 2022 pending on the file of the Subordinate Court, Kulithalai, is ordered to be withdrawn and transferred to the file of the Principal Sub-Court, Dindigul. The learned Subordinate Judge, Kulithalai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.153 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. No costs. Consequently, the connected miscellaneous petition is closed.

04.08.2023

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

- 1.The Subordinate Court,
Kulithalai.
- 2.The Principal Sub-Court,
Dindigul.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

Ns

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