



WEB COPY

Tr.C.M.P(MD)No.375 of 2



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.375 of 2023

and

C.M.P(MD)No.7936 of 2023

Ruthra

... Petitioner/Respondent

Vs.

Suresh Kumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.55 of 2023 pending before the Family Court, Pudukkottai to the Family Court, Tiruchirappalli.

For Petitioner

:Mr.T.Banumathy

For Respondent

:Mr.D.Ramesh Kumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.55 of 2023 pending before the Family Court, Pudukkottai to the Family Court, Tiruchirappalli.



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 09.06.2016 and out of their wedlock, they were blessed with a female child. Due to some misunderstanding between them, the respondent/husband filed a petition H.M.O.P.No.55 of 2023 before the Family Court, Pudukkottai, for divorce. Now the petitioner is residing in her parental home at Tiruchirappalli and the distance between Tiruchirappalli and Pudukkottai is approximately 50 kms. Therefore, it is very difficult for her to travel from Tiruchirappalli to Pudukkottai and hence, she prays for transferring the case from Pudukkottai to Tiruchirappalli.

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is allowed and the H.M.O.P.No.55 of 2023 pending on the file of the Family Court, Pudukkottai, is ordered to be withdrawn and transferred to the file of the Family Court, Tiruchirappalli. The learned Family Court Judge, Pudukkottai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.55 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. However, The personal appearance of the respondent for routine hearing is dispensed with before the Family Court, Tiruchirappalli. 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, Tiruchirappalli. 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 Family Court,
Pudukkottai.

2.The Family Court,
Tiruchirappalli.

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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