



WEB COPY

Tr.C.M.P(MD)No.362 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM

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

Tr.C.M.P(MD)No.362 of 2023

and

C.M.P.(MD).No.7722 of 2023 and 9023 of 2023

Nachammai @ Akshaya

... Petitioner/
Respondent-wife

Vs.

Kumarappan

... 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.297 of 2022 on the file of the learned Sub-Court, Coimbatore, dated 26.07.2022 and transfer the same to the file of the learned Sub-Court, Devakottai.

For Petitioner
For Respondent

:Mr.R.Karunanidhi
:Mr.B.Sargunam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.297 of 2022 on the file of the learned Sub-Court, Coimbatore, dated 26.07.2022 and transfer the same to the file of the learned Sub-Court, Devakottai.



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 the marriage between the petitioner and the respondent was solemnized on 25.11.2018. In order to lead a family life, she went to Bangalore because the respondent was working at Bangalore. Out of their wedlock, they were blessed with a male child. Due to some misunderstanding, the respondent has filed a petition in H.M.O.P.No.297 of 2022 for divorce before the Subordinate Court, Coimbatore, in which, the petitioner appeared and filed her counter. Now the petitioner is residing in her parental home at Siruvayal, Karaikudi Taluk and the distance between Karaikudi and Coimbatore is approximately 257 kms. Therefore, it may not be feasible for the petitioner to travel from Karaikudi to Coimbatore and hence, he prays for transferring the case from the file of the Subordinate Court, Coimbatore to the file of the Family Court at Madurai.

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 transfer as sought for by the petitioner



seems to be reasonable and the same claim has to be accepted.

WEB COPY

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.297 of 2022 pending on the file of the Subordinate Court, Coimbatore, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Subordinate Court, Coimbatore, is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 297 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 petitions are closed.

25.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

To

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



WEB COPY

Tr.C.M.P(MD)No.362 of 2



K.GOVINDARAJAN THILAKAVADI, J.

Ns

Tr.C.M.P(MD)No.362 of 2023
and
C.M.P.(MD).No.7722 of 2023 and 9023 of 2023

25.07.2023