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Tr.C.M.P(MD)No.371 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.371 of 2023

and

C.M.P(MD)No.7890 of 2023

S.Jemeela Shobana

... Petitioner/Respondent

Vs.

P.Savari Rajeshkumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in I.D.O.P.No.44 of 2023 pending on the file of the learned Family Court, Trichy, and transfer the same to the learned Family Court, Srivilliputhur or any other competent Court in Virudhunagar District, within the time stipulated by this Court and for other reliefs.

For Petitioner

:Mr.R.Senthil Kumar

For Respondent

:No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.44 of 2023 pending on the file of the learned Family Court, Trichy, and transfer the same to the learned Family Court,



Srivilliputhur or any other competent Court in Virudhunagar District, within the time stipulated by this Court.

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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 15.05.2015 and out of their wedlock, they were blessed with a female child. Due to some misunderstanding arose between them, the respondent/husband filed a petition in I.D.O.P.No.44 of 2023 before the family Court, for divorce. Pursuant to which, the petitioner along with her children filed a petition in M.C.No.25 of 2023 for maintenance before the Family Court, Srivilliputhur. Now, the petitioner is residing in her parental home at Srivilliputhur and the distance between Srivilliputhur and Trichy is approximately 220 kms. Therefore, it is very difficult for her to attend every Court hearing at Trichy and hence, she prays for transferring the case from the Family Court, Trichy to the Family Court, Srivilliputhur.



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 I.D.O.P.No.44 of 2023 pending on the file of the Family Court, Trichy, is ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputhur. The learned Family Court Judge, Trichy, is directed to transmit the entire records pertaining to the case in I.D.O.P.No.44 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. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Family Court, Srivilliputhur.

2.The Family Court, Trichy.

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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