



WEB COPY

Tr.C.M.P(MD)No.398 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.398 of 2023

and

C.M.P(MD)No.8314 of 2023

V.Nagarani

... Petitioner/Respondent

Vs.

G.Balamurugan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw and transfer the MOP NO.132 of 2023 from the file of the learned Family Court Pondichery to the learned Family Court, Dindigul.

For Petitioner

:Mr.A.Chandra Kumar

For Respondent

:Mr.M.Kaliraj

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the MOP NO.132 of 2023 from the file of the learned Family Court Pondichery to the learned Family Court, Dindigul.



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 02.03.2011. At the time of marriage, the respondent was working as Manager in Private IT Company at USA. Out of their wedlock, they were blessed with two female child. Due to some misunderstanding arose between them, the respondent filed a petition in M.O.P.No.132 of 2023 before the Family Court, Pondichery, for divorce. Now, the petitioner is residing in her parental home at Dindigul and the distance between Dindigul and Pondichery is approximately 280 kms. Therefore, it is very difficult for her to attend every Court hearing at Pondichery and hence, she prays for transferring the case from the Family Court, Pondichery to the Family Court, 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.



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5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the M.O.P.No.132 of 2023 pending on the file of the Family Court, Pondichery, is ordered to be withdrawn and transferred to the file of the Family Court, Dindigul. The learned Family Court Judge, Pondichery, is directed to transmit the entire records pertaining to the case in M.O.P.No. 132 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, Dindigul. 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, Dindigul. Further, the Family Court, Dindigul, is directed to dispose the M.O.P.No.132 of 2023 on merits and in accordance with law, within a period of six months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2023

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

K.GOVINDARAJAN THILAKAVADI, J.



Tr.C.M.P(MD)No.398 of 2



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To

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

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