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Tr.C.M.P(MD)No.388 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

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

Tr.C.M.P(MD)No.388 of 2023
and
C.M.P.(MD).No.8240 of 2023

Vani

... Petitioner

Vs.

Lingaraj

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the HMOP No.37 of 2023 on the file of the Sub-Court, Bhavani and transfer the same to the file of the learned Sub-Court, Sankarankoil.

For Petitioner
For Respondent

:Mr.S.Kadarkarai
:No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No.37 of 2023 on the file of the Sub-Court, Bhavani and transfer the same to the file of the learned Sub-Court, Sankarankoil.



2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

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3. The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 04.06.2017 and out of their wedlock, they blessed with a female child. Due to some misunderstanding arose between them, the petitioner/wife filed a petition in H.M.O.P.No.116 of 2021 before the Subordinate Court, Sankarankoil, for divorce. After filing the said H.M.O.P., the respondent/husband approached the petitioner stating that he is ready to live with her, if the said H.M.O.P., was withdrawn. Believing his words, she had not proceeded the said H.M.O.P further. Therefore, the said H.M.O.P was dismissed for default. Thereafter, she contacted the respondent, he did not reply in a proper manner. While so, the respondent filed a petition in H.M.O.P.No.37 of 2023 before the Subordinate Court, Bhavani, for divorce. Now, the petitioner is residing in her parental home at Sankarankoil and the distance between Sankarankoil to Bhavani is approximately 220 kms. Therefore, it is very difficult for the petitioner to travel from Sankarankoil to Bhavani and hence, she prays for transferring the case from Bhavani to Sankarankoil.



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.37 of 2023 pending on the file of the Subordinate Court, Bhavani, is ordered to be withdrawn and transferred to the file of the Sub-Court, Sankarankoil. The learned Sub-Court, Bhavani, is directed to transmit the entire records pertaining to the case in H.M.O.P. No.37 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, the connected miscellaneous petition is closed.

01.09.2023

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



Tr.C.M.P(MD)No.388 of 2



K.GOVINDARAJAN THILAKAVADI, J.

Ns

To

- 1.The Sub-Court,
Bhavani.
- 2.The Sub-Court,
Sankarankoil.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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