



TR CMP(MD).No.390 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

Tr.C.M.P(MD)No.390 of 2023 and
CMP(MD).No.8263 of 2023

R.Jayasree

: Revision Petitioner

Vs.

K.Senthilkumar

: Respondent

PRAYER: The Transfer CMP is filed under Section 24 CPC to withdraw and transfer GWOP.No.159/2023 pending before the learned Principal District Judge, Chengalpattu to the Family Court at Nagercoil, Kanniyakumari District.

For Petitioner : Mr. A. Anandarraj

For respondent : Mr.S. Sathya Chidambaram

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the petition in GWOP.No.159 of 2023 pending before the



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learned Principal District Judge at Chengalpattu to the file of the Family Court at Nagercoil, Kanniyakumari District.

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

3. The learned counsel appearing for the petitioner/wife would submit that the respondent/husband has filed G.W.O.P.No.159 of 2023 on the file of the Principal District Judge at Chengalpattu seeking to appoint him as guardian of the minor children viz., Shivesh and Sonika stating that the petitioner / wife is permanently working at Chennai. Since the petitioner is working as a nurse at CPK Hospitals Marthandam, Kanniyakumari District, it is very difficult for her to travel from Kuzhithurai to Chengalpattu approximately 90 kms for every hearing. Therefore, it may not be feasible for the petitioner to travel from Kuzhithurai to Chengalpattu and hence, he prays for transferring the case from Chengalpattu to Family Court, Kanniyakumari District.

4. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given



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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is allowed and the GWOP.No.159 of 2023 pending on the file of the Principal District Judge at Chengalpattu is hereby withdrawn and transferred to the file of the Family Court at Nagercoil, Kanniyakumari District. The Principal District Judge, Chengalpattu is directed to transmit the entire records pertaining to the case in GWOP.No.159 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. On the receipt of the same, the Judge, Family Court at Nagercoil, Kanniyakumari District is directed to dispose the said GWOP within a period of six months. No costs. Consequently, the connected miscellaneous petition is closed.

07.09.2023

Index : Yes / No
Internet : Yes/ No
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To

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1. The Principal District Judge, Chengalpattu.
2. The Family Court at Nagercoil, Kanniyakumari District.



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

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