



TR.C.M.P.(MD) No.400 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

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

TR.C.M.P.(MD) No.400 of 2023

and

C.M.P(MD) No.8335 of 2023

Revathi @ Anitha

... Petitioner

Vs.

Arun Kumar

... Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.204 of 2023 on the file of the Family Court, at Dindigul and transfer the same to the Subordinate Court, Kulithalai, Karur District, for further trial.

For Petitioner : Mr.V.Kannan

For Respondent : No appearance



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.204 of 2023 on the file of the Family Court, at Dindigul and transfer the same to the Subordinate Court, Kulithalai, Karur District, for further trial.

2. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent has been solemnized on 06.02.2022 as per Hindu Rites and Customs. The petitioner has been subjected to harassment right from the time of the marriage, as the respondent and his people were demanding additional dowry. Hence, she filed a petition under the Domestic Violence Act, in D.V.P.No.19 of 2022 before the Judicial Magistrate No.II, Kulithalai and the same is pending. Thereafter, the respondent/husband filed a petition in H.M.O.P.No.204 of 2023 for restitution of conjugal rights before the Family Court, Dindigul, with an intention to harass the petitioner. He would further submit that since the proceeding is before the Family Court, her presence for every hearing is imperative and it would be



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difficult for the petitioner to travel alone and she has to be accompanied by some one, which would result in an additional expenditure and also cause great discomfort and inconvenience to her health and life. Hence, the petitioner prays for transferring the case from Dindigul to Kulithalai.

3. The respondent though served has not entered appearance. Heard the learned counsel for the petitioner and perused the records.

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, taking into account the above circumstances, this Court is of the view that the transfer civil miscellaneous petition is liable to be ordered. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.204 of 2023 pending on the file of the Family Court, Dindigul, is ordered to be withdrawn and transferred to the file of the Sub Court, Kulithalai, Karur District. The learned Judge, Family Court, Dindigul, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.204 of 2023 to the transferee Court,



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within a week from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petition is closed.

17.08.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Judge,
Family Court,
Dindigul.

2.The Subordinate Judge,
Kulithalai, Karur District.



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K.GOVINDARAJAN THILAKAVADI, J.

cp

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