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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

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

Tr.C.M.P(MD)No.406 of 2023
and
C.M.P(MD)No.8460 of 2023

M.Uma Devi ... Petitioner/Respondent/Petitioner

G.Mani Vs.
... Respondent/Petitioner/Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case on the file of the Family Court, Srivilliputhur, in I.A.No.1 of 2023 in unnumbered H.M.O.P.No. of 2023 and transfer the same to the Family Court, Dindigul.

For Petitioner	:Mr.D.Venkatesh
For Respondent	:No Appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.A.No.1 of 2023 in unnumbered H.M.O.P.No. of 2023 on the file of the Family Court, Srivilliputhur, and transfer the same to the Family Court, Dindigul.



2. Heard the learned counsel appearing for the petitioner and also 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 30.10.2022. After the marriage, the petitioner was harassed for want of dowry and also driven out of her matrimonial home. Thereafter, the respondent/husband filed an application for divorce on the ground of cruelty within a period of one year from the date of marriage. Therefore, I.A.No.1 of 2023 in Un numbered HMOP... of 2023 has been filed seeking exemption for filing the divorce application before the Family Court, Srivilliputhur. Pursuant to which, the petitioner/wife filed a petition in M.C.No.30 of 2023 for maintenance before the Family Court, Dindigul. Now, the petitioner is residing at Dindigul and the distance between Dindigul and Srivilliputhur is approximately 130 kms. It is very difficult for her to travel from Dindigul to Srivilliputhur for each and every hearing. Hence, she prays for transferring the case from Srivilliputhur to 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.



5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the I.A.No.1 of 2023 in Un numbered HMOP... of 2023 pending on the file of the Family Court, Srivilliputhur, is ordered to be withdrawn and transferred to the file of the Family Court, Dindigul. The learned Judge, Family Court, Srivilliputhur, is directed to transmit the entire records pertaining to the case in I.A.No.1 of 2023 in Un numbered HMOP... 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.

24.08.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Family Court,
Dindigul.

2.The Family Court,
Srivilliputhur.

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



K.GOVINDARAJAN THILAKAVADI, J.

Ns

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