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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

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

Tr.C.M.P(MD)No.434 of 2023

and

C.M.P.(MD).No.9042 of 2023

Vasheela Beevi

... Petitioner/Respondent/
Wife

Vs.

Amjad Ali

... Respondent/Petitioner/
Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case on the file of the learned Family Court, Dindigul, in O.S.No.2 of 2023 and transfer the same to the learned Family Court, Madurai.

For Petitioner

:Mr.P.Vimala Devi

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the learned Family Court, Dindigul, in O.S.No.2 of 2023 and transfer the same to the learned Family Court, Madurai.



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 12.03.2017. Due to some misunderstanding arose between them, the petitioner was left from the house of the respondent and living with her mother at Nagamalai Pudhukottai, Madurai. While so, the respondent filed a suit in O.S.No.2 of 2023 before the Family Court, Dindigul, for declaration of divorce. The distance between Madurai and Dindigul is approximately 60 kms. The petitioner/wife is not having any independent income and she is depending upon her aged parents for herself and for her minor child. It is very difficult for her to travel from Madurai to Dindigul. Hence, the present petition is filed.

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 suit in O.S.No.2 of 2023 pending on the file of the Family Court,



Dindigul, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Dindigul, is directed to transmit the entire records pertaining to the suit in O.S.No.2 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. No costs. Consequently, the connected miscellaneous petition is closed.

13.09.2023

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

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



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K.GOVINDARAJAN THILAKAVADI, J.

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