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Tr.C.M.P(MD)No.422 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.422 of 2023
and
C.M.P.(MD).No.8814 of 2023

R.Nivedha

... Petitioner/Respondent

Vs.

R.Siva @Srinivasan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the HMOP No.40 of 2023 on the file of the Sub-Court, Lalgudi, and transfer the same to the Principal Sub-Court, Thanjavur.

For Petitioner
For Respondent

:Mr.R.Rajaraman
:No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No.40 of 2023 on the file of the Sub-Court, Lalgudi, and transfer the same to the Principal Sub-Court, Thanjavur.



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 29.11.2017 and out of their wedlock, they blessed with a male child. Due to some misunderstanding arose between them, the petitioner/wife filed a petition in H.M.O.P.No.27 of 2023 before the Principal Sub Court, Thanjavur, for restitution of conjugal rights. The said H.M.O.P was posted for appearance of the respondent. Since no appearance on the side of the respondent, he was set ex-parte and the case was posted for ex-party evidence. In the meantime, the respondent/husband, after receiving notice, instead of appeared before the Principal Sub-Court, Thanjavur, filed a petition in H.M.O.P.No.40 of 2023 before the Sub-Court, Lalgudi. Now, the petitioner is residing in her parental home at Thanjavur and the distance between Thanjavur to Lalgudi is approximately 70 kms. Therefore, it is very difficult for the petitioner to travel from Thanjavur to Lalgudi and hence, she prays for transferring the case from Lalgudi to Thanjavur.

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.

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5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.40 of 2023 pending on the file of the Subordinate Court, Lalgudi, is ordered to be withdrawn and transferred to the file of the Principal Sub-Court, Thanjavur. The learned Sub-Court, Lalgudi, is directed to transmit the entire records pertaining to the case in H.M.O.P. No.40 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
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Tr.C.M.P(MD)No.422 of 2



K.GOVINDARAJAN THILAKAVADI, J.

Ns

- To
- 1.The Sub-Court,
Lalgudi.
 - 2.The Principal Sub-Court,
Thanjavur.
 - 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P(MD)No.422 of 2023
and
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