



WEB COPY

Tr.C.M.P(MD)No.432 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM

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

Tr.C.M.P(MD)No.432 of 2023

and

C.M.P(MD)No.9017 of 2023

M.Kalaivani

... Petitioner/Respondent

Vs.

S.Manikandan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.172 of 2023 pending on the file of the learned Family Court, Sivagangai and to transfer the same to the learned Family Court, Madurai or any other Court having competent jurisdiction.

For Petitioner
For Respondent

:Mr.J.Senthil Kumaraiah
:Mr.J.Vishnu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.172 of 2023 pending on the file of the Family Court, Sivagangai and to transfer the same to the Family Court, Madurai, or any other Court having competent jurisdiction.



2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3.The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 22.11.2007. Due to some misunderstanding between them, the respondent/husband filed a petition in H.M.O.P.No.172 of 2023 before the Family Court, Sivagangai, for divorce. Now, the petitioner is residing in her parental home at Madurai and the distance between Madurai and sivagangai is approximately 60 kms. Therefore, it is very difficult for her to travel from Madurai to Sivagangai and hence, she prays for transferring the case from Madurai to Sivagangai.

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is allowed and the H.M.O.P.No.172 of 2023 pending on the file of the Family Court, Sivagangai, is ordered to be withdrawn and transferred to the file of the



Family Court, Madurai. The learned Judge, Family Court, Sivagangai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 172 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 learned Judge, Family Court, Madurai, is directed to dispose the H.M.O.P.No.172 of 2023 on merits and in accordance with law, within a period of six months thereafter. 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.

31.08.08.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Family Court,
Sivagangai.

2.The Family Court,
Madurai.

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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and
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31.08.2023