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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.442 of 2023
and
C.M.P.(MD).No.9363 of 2023

Angammal @ Malathi

... Petitioner/Respondent/
Wife

Vs.

Vairamuthuraj

... Respondent/Petitioner/
Husband

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.76 of 2023 on the file of the Subordinate Court, Tiruchendur, Thoothukudi District, and transfer the same to the learned Subordinate Court, Tirunelveli.

For Petitioner :Mr.A.Arputharaj

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.76 of 2023 on the file of the Subordinate Court, Tiruchendur, Thoothukudi District, and transfer the same to the learned Subordinate Court, Tirunelveli.

2.Heard the learned counsel appearing for the petitioner 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 02.12.2019 and out of their wedlock, they blessed with one child. Due to some misunderstanding arose between them, the petitioner was left from the house of the respondent and living with her mother. While so, the respondent filed a petition in H.M.O.P.No.76 of 2023 before the Subordinate Court, Tiruchendur, Thoothukudi District for restitution of conjugal rights. Pursuant to which, the petitioner filed a petition in H.M.O.P.No.41 of 2023 before the Subordinate Court, Tirunelveli, for dissolution of marriage. Thereafter, she filed D.V.C.No.39 of 2023, to provide adequate protection from the respondent and both petitions are pending before the Tirunelveli Court. The distance between Tirunelveli and Tiruchendur is approximately 60 kms. It is very difficult for her to travel from Tirunelveli to Tiruchendur to attend all the Court hearings. 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 case in H.M.O.P.No. 76 of 2023 pending on the file of the Sub-Court, Tiruchendur, Thoothukudi District, is ordered to be withdrawn and transferred to the file of the Subordinate Court, Tirunelveli. The learned Subordinate Judge, Tiruchendur, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.76 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.

13.09.2023

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

- 1.The Sub-Court,
Tiruchendur,
Thoothukudi District.
- 2.The Subordinate Court,
Tirunelveli.
- 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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