

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

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

Tr.C.M.P(MD)No.433 of 2023
and
C.M.P.(MD).No.9019 of 2023

Tmt.Gayathri

... Petitioner

Vs.

Mr.Durgeshwaran

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.80 of 2023 on the file of the Sub-Court, Aruppukottai, Virudhunagar District and transfer the same to the Family Court, Madurai.

For Petitioner

:Mr.M.Saravanakumar

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.80 of 2023 on the file of the Sub-Court, Aruppukottai, Virudhunagar District and transfer the same to the Family Court, Madurai.

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 28.10.2018 and they started their matrimonial life at Chennai. Thereafter, the respondent secured job in Madurai and out of their wedlock, they blessed with one male child. Without intimating to the petitioner, the respondent went to abroad in the month of October 2022. Thereafter, the respondent came to India in the month of May 2023 and he had never visited to see her child. In such circumstances, the respondent filed a petition in H.M.O.P.No.80 of 2023 before the Sub-Court, Aruppukottai, Virudhunagar District, for divorce. Moreover, since the petitioner has no relatives and friends at Aruppukottai, it is very difficult for her to travel from Madurai to Aruppukottai, with her child. Hence, she prays for transferring the case from Aruppukottai to Madurai.

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Petition is allowed and the H.M.O.P.No.80 of 2023 pending on the file of the Sub-Court, Aruppukottai, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Subordinate Judge, Aruppukottai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No. 80 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.

05.09.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Family Court,
Madurai.

2.The Sub-Court,
Aruppukottai.

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

K.GOVINDARAJAN THILAKAVADI, J.

Ns

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