



TR.C.M.P.(MD) No.438 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM:

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

TR.C.M.P.(MD) No.438 of 2023

and

C.M.P(MD) No.9298 of 2023

Pothieshwari @ Malarvizhi
W/o.Ajith @ Mariyappan

... Petitioner

Vs.

R.Ajith @ Mariyappan
S/o.Raja

... Respondent

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure,
to withdraw the case in H.M.O.P.No.99 of 2023 on the file of the Sub
Court, Sankarankovil and transfer the same to the Family Court, Theni.

For Petitioner : Mr.S.Sankar

For Respondent : No appearance



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.99 of 2023 on the file of the Sub Court, Sankarankovil and transfer the same to the Family Court, Theni.

2. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent has been solemnized on 15.03.2021 as per Hindu Rites and Customs. Due to the dispute arose between them, the respondent/husband filed a petition in H.M.O.P.No.99 of 2023 on the file of the Sub Court, Sankarankovil, for divorce. He would further submit that the petitioner is not having any employment as on date and she is entirely depending on her parents for day-to-day expenses. Further, the distance between Kadamalikundu, Theni District to Sankarankovil, Thenkasi District is more than 126 Kms. It would be difficult for the petitioner to travel alone and she has to be accompanied by some one, which would result in an additional expenditure and also cause great discomfort and inconvenience to her health and life. Hence, he prays to allow this petition.



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3. The respondent though served has not entered appearance.

Heard the learned counsel for the petitioner and perused the records.

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, taking into account the above circumstances, this Court is of the view that the transfer civil miscellaneous petition is liable to be ordered. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.99 of 2023 pending on the file of the Sub Court, Sankarankovil, is ordered to be withdrawn and transferred to the file of the Family Court, Theni. The learned Subordinate Judge, Sankarankovil, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.99 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

07.09.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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K.GOVINDARAJAN THILAKAVADI, J.

cp

To

- 1.The Subordinate Judge,
Sankarankovil.
- 2.The Judge,
Family Court,
Theni.

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