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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.443 of 2023
and
C.M.P.(MD).No.9369 of 2023

K.Sowmiya

... Petitioner

Vs.

R.Vikas Pandian

... Respondent/

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.64 pf 2023 on the file of the learned Subordinate Court, Karur and transfer the same to the learned Family Court, Madurai for further enquiry.

For Petitioner

:Mr.K.Manoharan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.64 of 2023 on the file of the learned Subordinate Court, Karur and transfer the same to the learned Family Court, Madurai for further enquiry.



2. Heard the learned counsel appearing for the petitioner and also 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 12.09.2018 and out of their wedlock, they blessed with a male child. Due to some misunderstanding arose between them, the respondent/husband filed a petition in H.M.O.P.No.97 of 2022 before the Subordinate Court, Karur, for restitution of conjugal rights. Therefore, the petitioner filed Tr.C.M.P.No.599 of 2022 before this Court to withdraw the H.M.O.P.No.97 of 2022 from the file of the Subordinate Court, Karur and transfer the same to the file of the Family Court, Madurai. Thereafter, the respondent filed a petition in H.M.O.P.No.64 of 2023 before the Subordinate Court, Karur, for divorce and the same is pending. Now, the petitioner is residing in her parental home at Madurai and the distance between Madurai to Karur is approximately 200 kms. It is very difficult for her to travel from Madurai to Karur with her child. Hence, the present petition is filed.

4. It is brought to the notice of this Court that as per the order of the learned Principal District Judge, Karur, the H.M.O.P.No.64 of 2023 was transferred from the file of the Additional Subordinate Court, Karur, to the file of the Family Court, Karur and renumbered as H.M.O.P.No.344 of 2023.



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.344 of 2023 pending on the file of the Family Court, Karur, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Karur, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.344 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. However, The personal appearance of the respondent for routine hearing is dispensed with before the Family Court, Madurai. However, the respondent shall appear before the Court as and when ever the presence of the respondent is required as per the direction of the Family Court, Madurai. The Registry is also directed to send back the papers that are pending before the Registry. 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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K.GOVINDARAJAN THILAKAVADI, J.

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To

- 1.The Family Court,
Madurai.
- 2.The Additional Subordinate Court,
Karur.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P(MD)No.443 of 2023
and
C.M.P.(MD).No.9369 of 2023

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