



TR.CMP(MD).No.37 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.37 of 2024 and
CMP(MD).No. 439 of 2024

Priyadharshini

... Petitioner

Vs.

K.Harrish

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of Sub Court, Hosur in HMOP.No.208 of 2023 and transfer the same to the Principal Subordinate Court, Trichy.

For Petitioner : Ms. J. Ebinezar Charles

For Respondent : Mr.S. Mohammed Azhamdeen Sharif

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.208 of 2023 on the file of Sub Court, Hosur and transfer the same to the Principal Subordinate Court, Trichy.

2. The petitioner herein is the wife and the respondent is the

husband. The marriage between the petitioner and the respondent was



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solemnized on 25.02.2021 as per Hindu Rites and customs. One male child was born through the wedlock. Due to the matrimonial dispute, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.208 of 2023, on the file of Sub Court, Hosur for restitution of conjugal rights.

3. Now, the petitioner is residing at Trichy with her minor child at her parents home. The distance between Trichy and Hosur is approximately 600 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.208 of 2023, on the file of Sub Court, Hosur. Further, she is only depending on her parents for her day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw the case in HMOP.No. 208 of 2023 on the file of Sub Court, Hosur and transfer the same to the Principal Subordinate Court, Trichy.

4. The learned counsel appearing for the respondent submitted that there is a life threat to the respondent from the petitioner's brother at Trichy and hence, he seeks transfer of said HMOP in any of the middle of place between Trichy and Hosur.



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5. However, the petitioner has filed an undertaking affidavit stating that the petitioner's brother has settled at Bangalore and hence, there is possibility to threatened the respondent.

6. 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 allowed.

7. Accordingly, the Transfer CMP is allowed and HMOP.No. 208 of 2023 pending on the file of Sub Court, Hosur is ordered to be withdrawn and transferred to the file of the Principal Subordinate Court, Trichy. The Subordinate Judge, Housr is directed to transmit the entire records pertaining to the case in HMOP.No.208 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 also closed.

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Internet : Yes / No
Index : Yes / No
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To

1. The Sub Court, Hosur.
2. The Principal Subordinate Court, Trichy.



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G.ILANGO VAN,J.

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