



TR.CMP(MD).No.61 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.61 of 2024 and
CMP(MD).No.956 of 2024

A.Suriyanarayani

... Petitioner

Vs.

V. Sivahaariprammasankar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.131 of 2023 on the file of the Principal Sub Court, Ambasamudram and transfer the same to the file of the Family Court, Thirunelveli.

For Petitioner : Mr.Aayiram Selvakumar

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.131 of 2023 on the file of the Principal Sub Court, Ambasamudram and transfer the same to the file of the Family Court, Thirunelveli.



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2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.03.2012. One female 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.131 of 2023, before the Principal Sub Court, Ambasamudram for divorce.

3. Now, the petitioner is residing at Thirunelveli with her minor child. The distance between Thirunelveli and Ambasamudram is approximately 40 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.131 of 2023, before the Principal Sub Court, Ambasamudram. Further, she is only depending on her parents for her day to day expenses. In the above circumstances, he filed the present Transfer Civil Miscellaneous Petition to transfer HMOP.No.131 of 2023 on the file of the Principal Sub Court, Ambasamudram to the file of the Family Court, Thirunelveli.

4. Even though the notice was served upon the respondent, he has not chosen to appear before this Court either in person or through



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Advocate. So after hearing the learned Counsel for the petitioner, this order is passed.

5. 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.

6. Accordingly, the Transfer CMP is allowed and the HMOP.No.131 of 2023 pending on the file of the Principal Sub Court, Ambasamudram is ordered to be withdrawn and transferred to the file of the Family Court, Thirunelveli. The Principal Sub Court, Ambasamudram is directed to transmit the entire records pertaining to the case in HMOP.No.131 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.

11.03.2024

Internet : Yes / No
Index : Yes / No
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To

- 1.The Principal Sub Court, Ambasamudram.
2. The Family Court, Thirunelveli.



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G.ILANGOVA N,J.

Trp

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