



TR.CMP(MD).No.75 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.75 of 2024 and
CMP(MD).No.1245 of 2024

R.Akila

... Petitioner

Vs.

M.Marimthu

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.199 of 2023 on the file of the Sub Court, Virudhunagar, Virudhunagar District and to transfer the same to the file of the Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.D. Balamurugapandi

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.199 of 2023 on the file of the Sub Court, Virudhunagar, Virudhunagar District and to transfer the same to the file of the Sub Court, Thirumangalam, Madurai District.



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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 09.09.2022 as per Hindu Rites and customs. Due to the matrimonial dispute, the petitioner left the matrimonial home. Thereafter, the respondent filed HMOP.No.199 of 2023, before the Sub Court, Virudhunagar seeking for divorce. In these circumstances, the petitioner herein has also filed HMOP.No.3 of 2024 on the file of the Sub Court, Thirumangalam, seeking the relief of Restitution of Conjugal Rights.

3. Now, the petitioner is residing at Madurai with her aged parents. The distance between Madurai and Virudhunagar is approximately 140 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.199 of 2023, before the Sub Court, Virudhunagar. 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 transfer the HMOP.No.199 of 2023 on the file of the Sub Court, Virudhunagar, Virudhunagar District to the file of the Sub Court, Thirumangalam, Madurai District.

4. Even though the notice was served upon the respondent, he



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has not chosen to appear before this Court either in person or through 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 HMOP.No. 199 of 2023 pending on the file of the Sub Court, Virudhunagar, Virudhunagar District is ordered to be withdrawn and transferred to the file of the Sub Court, Thirumangalam, Madurai District. The Subordinate Judge, Virudhunagar is directed to transmit the entire records pertaining to the case in HMOP.No.199 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.

14.03.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Sub Court, Virudhunagar, Virudhunagar District
2. The Sub Court, Thirumangalam, Madurai District.



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G.ILANGOVA N,J.

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