



TR.CMP(MD).No.65 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.65 of 2024 and
CMP(MD).No.1005 of 2024

Kiruba @ Kiruba Sevagan Evans

... Petitioner

Vs.

Jeusbalan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Family Court, Thoothukudi in IDOP.No.447 of 2023 and transfer the same to the file of the Principal Subordinate Judge, Srivilliputur at Virudhunagar District.

For Petitioner : Mr.D. Rajaboopathy

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in IDOP.No.447 of 2023 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Principal Subordinate Judge, Srivilliputur at Virudhunagar 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 09.09.2019. One female child was born through the wedlock. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed IDOP.No.447 of 2023, before the Family Court, Thoothukudi, for divorce.

3. Now, the petitioner is residing at Rajapalayam along with aged parents along with her minor child. The distance between Thoothukudi and Kanniyakumari is approximately 145 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.447 of 2023, pending on the file of Family Court, Thoothukudi. Further, the petitioner is not having any independent income and 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 IDOP.No.447 of 2023 the file of the Family Court, Thoothukudi and transfer the same to the file of the Principal Subordinate Judge, Srivilliputur at Virudhunagar District.



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4. Even though the notice is served upon the respondent, he 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 IDOP.No. 447 of 2023 on the file of the Family Court, Thoothukudi, is ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputtur at Virudhunagar District. The learned Family Court Judge, Thoothukudi is directed to transmit the entire records pertaining to the case in IDOP.No. 447 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 Family Court, Thoothukudi.
2. The Family Court, Srivilliputur at Virudhunagar District.



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G.ILANGOVA, J.

Trp

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