



TR.CMP(MD).No.69 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.ILANGOVAN

TR.CMP(MD).No.69 of 2024 and
CMP(MD).No.1170 of 2024

Maheswari

... Petitioner

Vs.

Rajasekar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.143 of 2023 on the file of the Family Court, Thanjavur and to transfer the same to the file of the Family Court, Sivagangai or any other competent Court.

For Petitioner : Mr. H.Mahamed Hussain

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.143 of 2023 on the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Sivagangai or any other competent Court.

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



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husband. The marriage between the petitioner and the respondent was solemnized on 04.07.2019 as per Hindu Rites and Customs. Two children were born out of wedlock. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Thereafter, the petitioner left the matrimonial home. Hence, the respondent filed HMOP.No.143 of 2023 on the file of the Family Court, Tanjore seeking divorce.

3. Now, the petitioner is residing at Sivagangai District with her parents along with minor children. The distance between Sivagangai and Tanjore is approximately 120 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.143 of 2023 on the file of the Family Court, Tanjore. Further, the petitioner is not having any independent income. 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.143 of 2023 on the file of the Family Court, Thanjavur to the file of the Family Court, Sivagangai or any other competent Court.

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. Considering the submission made by the learned counsel for the respondent and also considering the fact that in the matrimonial disputes, the convenience of the wife shall be given preference, this Court is inclined to allow this petition.

6. Accordingly, the Transfer CMP is allowed and HMOP.No. 143 of 2023 pending on the file of the Family Court, Thanjavur is ordered to be withdrawn and transferred to the file of the Family Court, Sivagangai. The learned Judge, Family Court, Thanjavur is directed to transmit the entire records pertaining to the case in HMOP.No.143 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 Family Court, Thanjavur
2. The Family Court, Sivagangai



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G.ILANGOVA N,J.

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