



TR.CMP(MD).No.394 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

TR.CMP(MD).No.394 of 2024 and
CMP(MD).No.8575 of 2024

Kaleeswari

... Petitioner

Vs.

Thulasiram

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.44 of 2022 on the file of the Family Court, Dindigul and transfer the same to the Sub Court, Kovilpatti.

For Petitioner : Mr.N.Kamesh

For Respondent : Mr.J.Lawrence

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.44 of 2022 on the file of the Family Court, Dindigul and transfer the same to the file of the Sub Court, Kovilpatti.



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2. The facts in brief:

The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.08.2015 as per Hindu Rites and Customs. Two female children were 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 children. Thereafter, the respondent filed HMOP.No.44 of 2022 on the file of the Family Court, Dindigul seeking divorce.

3. The learned counsel for the petitioner submits that the petitioner is now residing with her parents at Thootukudi with her minor children. The distance between the petitioner's village and Dindigul is approximately 350 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.44 of 2022 on the file of Family Court, Dindigul. Further, the petitioner herein 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.



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4. The learned counsel appearing for the respondent strongly objected to allow this petition.

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the Transfer CMP is allowed and HMOP.No.44 of 2022 pending on the file of the Family Court, Dindigul is hereby withdrawn and transferred to the file of the Sub Court, Kovilpatti to be heard and disposed of in accordance with law. The learned Judge, Family Court, Dindigul is directed to transmit the entire records pertaining to the case in HMOP.No.44 of 2022 to the transferee Court, within two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Internet : Yes / No

Index : Yes / No

trp



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To

1. The Sub Court, Kovilpatti
2. The Family Court, Dindigul



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P. VADAMALAI, J.

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