



TR.CMP(MD).No.193 of 2023

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.193 of 2023 and
CMP(MD).No.4211 of 2023

Durga Devi

... Petitioner

Vs.

R.Gunasekaran

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in GWOP.No.163 of 2022 on the file of the Principal District Court, Chengalpattu and transfer the same to Family Court, Madurai.

For Petitioner : Ms. D. Saranya

For Respondent : Mr.K.Sivabalan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in GWOP.No.163 of 2022 on the file of the Principal District Court, Chengalpattu and transfer the same to the file of Family Court, Madurai.

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 13.08.2014 as per Hindu Rites and Customs. One 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 GWOP.No.163 of 2022 on the file of the Principal District Court, Chengalpattu seeking custody of minor child.

3. Now, the petitioner is residing with her parents at Madurai with her minor child. The distance between Madurai and Chengalpattu is approximately 405 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend GWOP.No.163 of 2022, pending on the file of Principal District Court, Chengalpattu. 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 to transfer the GWOP.No.163 of 2022 pending on the file of the Principal District Court, Chengalpattu to Family Court, Madurai.

4. The learned counsel appearing for the respondent submitted



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that the respondent has no objection to transfer the said GWOP to the file of the Family Court, Madurai.

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 GWOP.No. 163 of 2022 pending on the file of the Principal District Court, Chengalpattu is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Principal District Judge, Chengalpattu is directed to transmit the entire records pertaining to the case in GWOP.No.163 of 2022 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is also closed.

14.03.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Principal District Court, Chengalpattu
2. The Family Court, Madurai.



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G.ILANGOVA, J.

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