



TR.CMP(MD).No.212 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A. NAKKIRAN

TR.CMP(MD).No.212 of 2022 and
CMP(MD).No. 3817 of 2022

D.Bhuvenshwari

... Petitioner

Vs.

A.Banuchander

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.145 of 2021 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Palani.

For Petitioner : Mr.N.Mohan

For Respondent : Mr.M.A.M. Raja

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.145 of 2021 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Palani.



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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 21.10.2018. One male 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 HMOP.No.145 of 2021 on the file of Family Court, Theni seeking divorce.

3. Now, the petitioner is residing with her parents at Palani with her minor child. The distance between Theni and Palani is approximately 120 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.145 of 2021 on the file of Family Court, Theni. 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 withdraw the HMOP.No.145 of 2021 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Palani.

4. The learned counsel appearing for the respondent submitted



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that if the case is transferred to Palani, the respondent will face life threat at Palani and hence, seeking to transfer the case in any one of the middle place except Palani.

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. 145 of 2021 pending on the file of the Family Court, Theni is ordered to be withdrawn and transferred to the file of the Sub Court, Palani. The learned Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case in HMOP.No.145 of 2021 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.

12.04.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Family Court, Theni.
2. The Sub Court, Palani.



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A.A. NAKKIRAN, J.,

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