



TR.CMP(MD).No.202 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.202 of 2023 and
CMP(MD).No. 4354 of 2023

M.Ruby Theresa

... Petitioner

Vs.

G.Isaac Jerosse

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the above I.D.O.P.No.398 of 2022 on the file of the Family Court at Chengalpattu and transfer the same to the file of the Family Court, Kanyakumari at Nagercoil.

For Petitioner : Mr. R.J.Karthick

For Respondent : Mr. M.P.Senthil

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the above I.D.O.P.No.398 of 2022 on the file of the Family Court at



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Chengalpattu and transfer the same to the file of the Family Court, Kanyakumari at Nagercoil.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.12.2016. 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 I.D.O.P.No. 398 of 2022, before the Family Court, Chengalpattu, for divorce. Now, the petitioner is residing with her parents at Kanyakumari, with her minor child. The distance between Kanyakumari and Chengalpattu, is very long and she has to travel 700 kilometers for 14 hours each and every hearing to attend The Court proceedings at Chengalpattu. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition.

3. 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.



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4. 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.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.398 of 2022, on the file of the Family Court, Chengalpattu, is ordered to be withdrawn and transferred to the file of the Family Court, Nagercoil at Kanyakumari. The learned Judge, Family Court, Chengalpattu, is directed to transmit the entire records pertaining to the case in I.D.O.P.No.398 of 2022 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

22.02.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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G.ILANGO VAN, J.

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To

1. The Judge Family Court, Chengalpattu.
2. The Judge, Family Court, Nagercoil at Kanyakumari.

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22.02.2024