



TR.CMP(MD).No.153 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.153 of 2019 and
CMP(MD).No.3245 of 2019

S.Jeniskar Saranya @ Saravanabala

... Petitioner

Vs.

M.Thiyagarajan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the IDOP.No.30 of 2019 on the file of the District and Sessions Court, Salem and transfer the same to the District Court, Virudhunagar or any other competent Court within the jurisdiction of the Virudhunagar District.

For Petitioner : Mr.P. Venkata Subramanian

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in IDOP.No.30 of 2019 on the file of the District and Sessions Court, Salem and transfer the same to the file of the District Court, Virudhunagar or any other competent Court within the jurisdiction of the Virudhunagar District.



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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 08.05.2018. Due to the matrimonial dispute, the petitioner left the matrimonial home. Thereafter, the respondent filed IDOP.No.30 of 2019, before the District and Sessions Court, Salem seeking Restitution of Conjugal Rights.

3. Now, the petitioner is residing at Arppukkottai with her aged parents. The distance between Virudhunagar and Salem is approximately 300 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.30 of 2019, before the District and Sessions Court, Salem. Further, 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 and transfer IDOP.No.30 of 2019 on the file of the District and Sessions Court, Salem to the District Court, Virudhunagar or any other competent Court within the jurisdiction of the Virudhunagar District.

4. Even though the notice was served upon the respondent, he has not chosen to appear before this Court either in person or through



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Advocate. So after hearing the learned Counsel for the petitioner, this order is passed.

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 IDOP.No. 30 of 2019 on the file of the District and Sessions Court, Salem is ordered to be withdrawn and transferred to the file of the District Court, Virudhunagar. The District and Sessions Judge, Salem is directed to transmit the entire records pertaining to the case in IDOP.No.30 of 2019 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.

25.03.2024

Internet : Yes / No
Index : Yes / No
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To

1. The District and Sessions Court, Salem.
2. The District Court, Virudhunagar



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G.ILANGOVA,J.

Trp

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