



TR.CMP(MD).No. 345 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

**TR.CMP(MD).No.345 of 2024 and
CMP(MD).No. 7606 of 2024**

Shyla

... Petitioner

Vs.

Fredrick

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the petition in IDOP.No.103 of 2024 on the file of the I Additional District Judge, Trichy and transfer the same to the Family Court, Pudukkottai to try along with IDOP.No.80 of 2024.

For Petitioner : Mr. D. Rameshkumar

For Respondent : Mr.C.Jeyaprakash

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in IDOP.No.103 of 2024 on the file of the I Additional District Judge, Trichy and transfer the same to the Family Court, Pudukkottai to try along with IDOP.No.80 of 2024.



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2. The facts in brief:

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The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.08.2022 as per Christian Rites and Customs. Thereafter, due to mis-understanding, the petitioner left the matrimonial home. Thereafter, the respondent filed IDOP.No.103 of 2024 on the file of the I Additional District Judge, Trichy seeking divorce. In such circumstances, the petitioner herein has filed IDOP.No.80 of 2024 on the file of the Family Court, Pudukkottai seeking restitution of Conjugal rights. Now, the petitioner is residing with her parents at Pudukkottai. The distance between Pudukkottai and Trichy is approximately 200 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.103 of 2024 on the file of the I Additional District Judge, Trichy. In the above circumstances, the petitioner filed the present Transfer Civil Miscellaneous Petition.

3. Heard the learned counsel appearing for both sides and perused the materials available on record.

4. It is well settled law that whenever, the transfer petition is filed



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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 CMP is allowed and IDOP.No.103 of 2024 pending on the file of the I Additional District Judge, Trichy is hereby withdrawn and transferred to the file of the Family Court, Pudukkottai to be tried along with IDOP.No.80 of 2024 pending on the file of the Family Court, Pudukkottai, for disposal in accordance with law. The learned I Additional District Judge, Trichy is directed to transmit the entire records pertaining to the case in IDOP.No.103 of 2024 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.

05.08.2024

Internet : Yes / No
Index : Yes / No
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To

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1. The 1st Additional District Judge, Trichy.
2. The Family Court, Pudukkottai



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P. VADAMALAI, J.

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