



TR.CMP(MD).No.286 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.286 of 2023 and
CMP(MD).No.6570 of 2023

Devika

... Petitioner

Vs.

Arunkumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Sub Court, Rasipuram in HMOP.No.30 of 2023 and transfer the same to the file of Family Court, Trichy.

For Petitioner : Mr.T.A. Om Prakash

For Respondent : Mr.J. Madhu

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.30 of 2023 on the file of the Sub Court, Rasipuram and transfer the same to the file of Family Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was



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solemnized on 16.12.2007 as per Hindu Rites and customs. One female child was born out of wedlock. Due to the matrimonial dispute, the respondent left from the matrimonial home. Thereafter, the respondent filed HMOP.No.30 of 2023 on the file of the Sub Court, Rasipuram, seeking divorce.

3. Now, the petitioner is residing at Trichy with her aged parents along with minor child. The distance between Trichy and Rasipuram is approximately 120 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.30 of 2023 on the file of the Sub Court, Rasipuram. Further, the petitioner is not having any independent income. She is only depending on her father for her day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.30 of 2023 on the file of the Sub Court, Rasipuram to the file of Family Court, Trichy.

4. The learned counsel appearing for the respondent submitted that the petitioner herein has filed DVC.No.38 of 2016 and the same is pending before the Additional Mahila Court, Trichy and the



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respondent herein has also filed maintenance amount to the petitioner. He would further submit that in order to harass the respondent only the petitioner herein has filed the present petition and prays for dismissal of this petition.

5. It is well settled law that whenever, the transfer petition is filed in the 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. 30 of 2023 pending on the file of the Sub Court, Rasipuram is ordered to be withdrawn and transferred to the file of the Family Court, Trichy. The learned Subordinate Judge, Rasipuram is directed to transmit the entire records pertaining to the case in HMOP.No.30 of 2023 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.

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Internet : Yes / No

Index : Yes / No

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To

1. The Sub Court, Rasipuram
2. The Family Court, Trichy.



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G.ILANGOVA, J.

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