



TR.CMP(MD).No.289 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.289 of 2023 and
CMP(MD).No. 6624 of 2023

V.Nithya

... Petitioner

Vs.

Dhandayuthapani

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.193 of 2022 on the file of the Sub Court, Aruppukkottai and transfer the same and tried along with HMOP.No.286 of 2023 pending on the file of the Family Court, Madurai.

For Petitioner : Mr.A.S. Rajeswari

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.193 of 2022 on the file of the Sub Court, Aruppukkottai and transfer the same and tried along with HMOP.No.286 of 2023 pending on the file of the Family Court, Madurai.



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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 06.02.2012 as per Hindu Rites and customs. One female child was born through the wedlock. Due to the matrimonial dispute, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.193 of 2022, on the file of the Sub Court, Aruppukkottai for divorce. Thereafter, the petitioner herein filed HMOP.No.286 of 2023 for restitution of conjugal rights on the file of the Family Court, Madurai.

3. Now, the petitioner is residing at Madurai along with her parents with minor child. The distance between Madurai and Aruppukkottai is approximately 140 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.193 of 2022, before the Sub Court, Aruppukkottai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.193 of 2022, on the file of the Sub Court, Aruppukkottai to Family Court, Madurai to be tried along with HMOP.No.286 of 2023.

4. Even though the notice was served upon the respondent, he



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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.

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. 193 of 2022 pending on the file of the Sub Court, Aruppukkottai is ordered to be withdrawn and transferred to the file of the Family Court, Madurai to be tried along with HMOP.No.286 of 2023. The the Sub Court, Aruppukkottai is directed to transmit the entire records pertaining to the case in HMOP.No.193 of 2022 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 he Sub Court, Aruppukkottai
2. The Family Court, Madurai.



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G.ILANGOVA, J.

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