



TR.CMP(MD).No.292 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).No.292 of 2023 and
CMP(MD).No.6698 of 2023

R. Sivasankari

... Petitioner

Vs.

G.Balamurugan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the proceedings in HMOP.No.437 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Aruppukkottai.

For Petitioner : Mr.S. Selva Aditya

For Respondent : Mr.S.Sankarapandian

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.437 of 2023 on the file of the Family



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Court, Madurai and transfer the same to the file of the Family Court, Aruppukkottai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.06.2006 as per Hindu Rites and Customs. Two female children were born through the wedlock. From the date of marriage, the respondent and his family members treated the petitioner cruelly and harassed her. Hence, the petitioner left from matrimonial home along with her minor children. Thereafter, the respondent herein filed a petition in HMOP.No.682 of 2015 on the file of the Family Court, Madurai for divorce and the same was transferred and re-numbered as HMOP.No.2 of 2016 on the file of the Sub Court, Aruppukkottai. Subsequently, the said petition was dismissed for default. Again the respondent filed HMOP.No.437 of 2023 on the file of Family Court, Madurai for restitution of Conjugal Rights.

3. Now, the petitioner is residing in her parents house at Thiruchuli, Virudhunagar District, with her minor children. The distance between Thiruchuli and Madurai is approximately 65 kilometers and it is



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very difficult for the petitioner to travel each and every hearing to attend HMOP.No.437 of 2023, before the Family Court, Madurai. Further, she is not having any independent income. The petitioner 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 transfer the HMOP.No.437 of 2023 on the file of the Family Court, Madurai to the file of the Family Court, Aruppukkottai.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

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.437 of 2023 pending on the file of the Family Court, Madurai is ordered to be withdrawn and transferred to the file of Family Court, Aruppukkottai. The learned Family Court Judge, Madurai is directed to



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transmit the entire records pertaining to the case in HHMOP.No.437 of 2023 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.

23.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Family Court, Madurai.
2. The Family Court, Aruppukkottai.



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G.ILANGOVA, J.

Trp

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