



TR.CMP(MD).No. 376 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

TR.CMP(MD).No.376 of 2024

and

CMP(MD).No.8059 of 2024

C.Sundari

... Petitioner

Vs.

J.Dalwin

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Principal District Court, Thoothukudi, in D.O.P.No.397 of 2023 and transfer the same to the Family Court, Madurai

For Petitioner : Mr.M.Athilakshmi

For Respondent : Mr.S.M.Mohan Gandhi



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ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in D.O.P.No.397 of 2023 on the file of the Principal District Court, Thoothukudi and transfer the same to the file of the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.08.2023.

3. The learned Counsel for the petitioner submits that the respondent filed D.O.P.No.397 of 2023, before the Family Court, Thoothukudi, to declare the marriage as null and void. Now, the petitioner is residing in her parents house at Madurai. The distance between Thoothukudi and Madurai is approximately 300 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend D.O.P.No.397 of 2023, before the Principal District Court, Thoothukudi. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer D.O.P.No.397 of 2023, before the



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Principal District Court, Thoothukudi, to the file of the Family Court, Madurai.

4. The learned counsel for the respondent would submit that even for the respondent it will cause grave hardship to travel from Thoothukudi to Madurai. He would also submit that in the event of the transfer being made, a direction for speedy disposal can also be given.

5. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

6. Considering the over-all facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and D.O.P.No.397 of 2023 pending on the file of the Principal District Court, Thoothukudi, is hereby withdrawn and transferred to the file of IV Additional District Court, Madurai. The learned Principal



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District Judge, Thoothukudi, is directed to transmit the entire records pertaining to the case in D.O.P.No.397 of 2023 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the learned IV Additional District Judge, Madurai, is directed to take the case on file and dispose the case on merits within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

12.08.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Principal District Court, Thoothukudi.
2. The IV Additional District Court, Madurai.



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P. VADAMALAI, J.

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