



TR.CMP(MD).No.334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.334 of 2023 and
CMP(MD).No.7268 of 2023

Mohanambal

... Petitioner

Vs.

Durairaj

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in MC.No.5 of 2023 on the file of the Family Court, Karur to the file of Family Court, Trichy and consequently, direct the transfree Court to deal with the said case in accordance with law.

For Petitioner : Mr.M.Pitchai Muthu

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to to withdraw and transfer the case in MC.No.5 of 2023 on the file of the Family Court, Karur to the file of Family Court, Trichy.

2. The petitioner herein is the wife and the respondent is the



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husband. The marriage between the petitioner and the respondent was solemnized on 12.03.1984 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 child. In such circumstances, the respondent herein has filed maintenance Petition in M.C.No.5 of 2023 on the file of Family Court, Karur.

3. Now, the petitioner is residing at Trichy with her daughter, who is mentally challenged girl. The distance between Trichy and Karur is approximately 150 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend M.C.No.5 of 2023 on the file of the Family Court, Karur. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the MC.No. 5 of 2023 on the file of the Family Court, Karur to the file of Family Court, Trichy.

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



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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the Transfer CMP is allowed and MC.No.5 of 2023 pending on the file of the Family Court, Karur is ordered to be withdrawn and transferred to the file of Family Court, Trichy. The learned Judge, Family Court, Karur is directed to transmit the entire records pertaining to the case in MC.No.5 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.

27.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Family Court, Karur.

2. The Family Court, Trichy



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G.ILANGOVA, J.

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