



TR.CMP(MD).No.319 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.319 of 2023 and
CMP(MD).No. 7061 of 2023

Rajalakshmi

... Petitioner

Vs.

Nagalingm

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw GWOP.No.37 of 2023 on the file of the Principal District Court, Sivagangai and transfer the same to the file of the Principal District Judge, Pudukkottai.

For Petitioner : Mr.N.Balakrishnan

For Respondent : Mr.J.Anandakumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in GWOP.No.37 of 2023 on the file of the Principal District Court, Sivagangai and transfer the same to the file of the Principal



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District Judge, Pudukkottai.

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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 16.09.2015. One male child was born out of wedlock. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Thereafter, the petitioner left the matrimonial home. Hence, the respondent filed GWOP.No.37 of 2023 on the file of the Principal District Judge, Sivagangai seeking custody of minor child.

3. Now, the petitioner is residing at Pudukkottai along with her parents. The distance between Pudukkottai and Sivagangai is approximately 60 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend GWOP.No.37 of 2023 on the file of the Principal District Court, Sivagangai. Further, the petitioner is not having any independent income. She 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 GWOP.No.37 of 2023 on the file of the Principal District Court, Sivagangai to the file of the



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3. In spite of repeated adjournment the learned counsel appearing for the respondent is not able to argue the matter.

4. The learned counsel appearing for the petitioner submitted that except the GWOP.No.37 of 2023 the other matters are pending before the Pudukkottai District.

5. Considering the submission made by the learned counsel for the respondent and also considering the fact that in the matrimonial disputes, the convenience of the wife shall be given preference, this Court is inclined to allow this petition.

6. Accordingly, the Transfer CMP is allowed and GWOP.No. 37 of 2023 pending on the file of the Principal District Court, Sivagangai is ordered to be withdrawn and transferred to the file of the Principal District Judge, Pudukkottai. The learned Principal District Court, Sivagangai is directed to transmit the entire records pertaining to the case in GWOP.No.37 of 2023 to the transferee Court, within a week from the



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date of receipt of a copy of this order. No costs. Consequently, connected

Miscellaneous Petition is also closed.

05.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Principal District Court, Sivagangai
2. The Principal District Judge, Pudukkottai.



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G.ILANGOVA, J.

Trp

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05.03.2024