



TR.CMP(MD).No.329 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.329 of 2023 and
CMP(MD).No.7163 of 2023

Mahalakshmi

... Petitioner

Vs.

Panidyarajan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.186 of 2022 on the file of the Sub Court, Devakottai and transfer the same to the file of the Sub Court, Pollachi.

For Petitioner : Mr.D. Venkatesh

For Respondent : Mr.S. Madhavan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.186 of 2022 on the file of the Sub Court, Devakottai and transfer the same to the file of the Sub Court, Pollachi.

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 15.03.2021 as per Hindu Rites and Customs. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.186 of 2022, before the Sub Court, Devakottai, for divorce.

3. Now, the petitioner is living with her aged parents at Pollachi. The distance between Pollachi to Sivagangai is approximately 460 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.186 of 2022, before the Sub Court, Devakottai, for divorce. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.186 of 2022 on the file of the Sub Court, Devakottai to the file of the Sub Court, Pollachi.

4. According to the respondent, he is having a life threat at Pollachi, but, without any basis he has made the said submission.

5. It is well settled law that whenever, the transfer petition is



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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the Transfer CMP is allowed and HMOP.No. 186 of 2022 pending on the file of the Sub Court, Devakottai is ordered to be withdrawn and transferred to the file of the Sub Court, Pollachi. . The learned Subordinate Judge, Devakkottai is directed to transmit the entire records pertaining to the case in HMOP.No.186 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.

14.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The the Sub Court, Devakottai
2. The Sub Court, Pollachi.



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G.ILANGOVA,J.

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