



TR.CMP(MD).No.307 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).No.307 of 2023 and
CMP(MD).No.6909 of 2023

M.Chandirakala

... Petitioner

Vs.

A.Aandichamy

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw HMOP.No.142 of 2023 on the file of Family Court, Dindigul and transfer the same to the file of Sub Court, Melur, Madurai District.

For Petitioner : Mr. K.Dinesh

For respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.142 of 2023 on the file of Family Court, Dindigul and transfer the same to the file of Sub Court, Melur, Madurai District.



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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 26.11.2020 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 minor child. Thereafter, the respondent filed HMOP.No.142 of 2023, before the Family Court, Dindigul seeking restitution of Conjugal Rights.

3. Now, the petitioner is residing at Madurai along with her parents with minor child. The distance between Madurai and Dindigul is approximately 70 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.142 of 2023 on the file of Family Court, Dindigul. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw HMOP.No.142 of 2023 pending on the file of Family Court, Dindigul and transfer the same to the file of Sub Court, Melur, Madurai District.

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



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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.

5. Accordingly, the Transfer CMP is allowed and HMOP.No. 142 of 2023 pending on the file of Family Court, Dindigul is ordered to be withdrawn and transferred to the file of Sub Court, Melur, Madurai District. The learned Judge, Family Court, Dindigul is directed to transmit the entire records pertaining to the case in HMOP.No.142 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

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To

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1. The Family Court, Dindigul.
2. The Sub Court, Melur, Madurai



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G.ILANGOVA, J.

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