



TR.CMP(MD).No.344 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.344 of 2023 and
CMP(MD).No. 7377 of 2023

B.Bhavani

... Petitioner

Vs.

Somu Rao @ Nandakumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.7 of 2021 on the file of the Subordinate Judge at Ponneri and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.Aru. Maruthaachalam

For Respondent : Mr.T. Balakrishnan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.7 of 2021 on the file of the Subordinate Judge at Ponneri and transfer the same to the file of the Family Court,

Madurai.

<https://www.mhc.tn.gov.in/judis>



TR.CMP(MD).No.344 of 2023

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.06.2018 as per Hindu Rites and Customs. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Thereafter, the respondent deserted her from 20.06.2018. Hence, the petitioner filed HMOP.No.862 of 2019 seeking restitution of conjugal rights. While so, the respondent filed HMOP.No.7 of 2021 on the file of the Sub Court, Ponneri for divorce and the same is pending.

3. Now, the petitioner is residing at Madurai along with her parents. The distance between Ponneri and Madurai is approximately 1000 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.7 of 2021, pending on the file of the Sub Court, Ponneri. 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 HMOP.No.7 of 2021, pending on the file of the Sub Court, Ponneri to Family Court, Madurai.



TR.CMP(MD).No.344 of 2023

3. The learned counsel appearing for the respondent has no objection to allow this petition.

4. 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.

5. Accordingly, the Transfer CMP is allowed and HMOP.No. 7 of 2021, pending on the file of the Sub Court, Ponneri, is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Subordinate Judge, Ponneri is directed to transmit the entire records pertaining to the case in HMOP.No.7 of 2021 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.

01.03.2024

Internet : Yes / No

Index : Yes / No

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TR.CMP(MD).No.344 of 2023

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To

1. The Subordinate Judge at Ponneri
2. The Family Court, Madurai.



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TR.CMP(MD).No.344 of 2023

G.ILANGOVA, J.

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TR.CMP(MD).No.344 of 2023 and
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