



TR.CMP(MD).No.348 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.348 of 2023 and
CMP(MD).No. 7398 of 2023

M.Sundari

... Petitioner

Vs.

A.S.Manikandan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the divorce petition in HMOP.No.149 of 2022 on the file of the Principal Subordinate Court, Srivilliputur and to transfer the same to the file of the Subordinate Court, Ambasamudram to be jointly tried with the petition for restitution of conjugal rights in HMOP.No.11 of 2023.

For Petitioner : Mr. J. Barathan

For Respondent : Mr.D. Balamurugapandi

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.149 of 2022 on the file of the Principal Subordinate Court, Srivilliputur and to transfer the same to the file of the



TR.CMP(MD).No.348 of 2023

Subordinate Court, Ambasamudram to be jointly tried with HMOP.No.11 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 24.08.2020 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 petitioner left from the matrimonial home. In such circumstances, the respondent filed HMOP.No.149 of 2022 on the file of the Principal Subordinate Court, Srivilliputur seeking divorce. While so, the petitioner filed HMOP.No.11 of 2023 on the file of the Sub Court, Ambasamudram seeking restitution of conjugal rights and the same is pending.

3. Now, the petitioner is residing at Ambasamudram along with her aged parents. The distance between Ambasamudram and Srivilliputur is approximately 120 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.149 of 2022, pending on the file of the Principal Subordinate Court, Srivilliputur. In the above circumstances, she filed the present Transfer Civil



TR.CMP(MD).No.348 of 2023

Miscellaneous Petition to withdraw and transfer the HMOP.No.149 of 2022 pending on the file of the Principal Subordinate Court, Srivilliputur to be tried along with HMOP.No.11 of 2023 pending on the file of the Subordinate Court, Ambasamudram.

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

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 HMOP.No. 149 of 2022, pending on the file of the Principal Subordinate Court, Srivilliputur, is ordered to be withdrawn and transferred to the file of the Subordinate Court, Ambasamudram to be tried along with HMOP.No.11 of 2023. The learned Principal Subordinate Judge, Srivilliputur is directed to transmit the entire records pertaining to the case in HMOP.No.149 of 2022 to the transferee Court, within a week from the date of receipt of a copy of



TR.CMP(MD).No.348 of 2023

this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

14.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Subordinate Court, Srivilliputtur
2. The Subordinate Court, Ambasamudram



WEB COPY



TR.CMP(MD).No.348 of 2023

G.ILANGOVA,J.

Trp

TR.CMP(MD).No.348 of 2023 and
CMP(MD).No. 7398 of 2023

14.03.2024