



TR.CMP(MD).No.364 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.364 of 2023 and
CMP(MD).No.7758 of 2023

A.Indra Alias Indrani

... Petitioner

Vs.

K.Ananthakumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.48 of 2023 on the file of the Family Court, Sivagangai and transfer the same to the file of the Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.C. Raja

For Respondent : Mr.S.T.Sasidharan Tamilkani

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.48 of 2023 on the file of the Family Court, Sivagangai and transfer the same to the file of the Sub Court,



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Thirumangalam, 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 08.11.1989 as per Hindu Rites and customs. Three children were born out of wedlock. Due to the matrimonial dispute, the respondent left from the matrimonial home. Thereafter, the respondent filed HMOP.No.48 of 2023 on the file of the Family Court, Sivagangai seeking restitution of conjugal rights.

3. Now, the petitioner is residing at Madurai with her sister along with children. The distance between Madurai and Sivagangai is approximately 70 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.48 of 2023 on the file of the Family Court, Sivagangai. Further, the petitioner is not having any independent income. She is only depending on her family members for her day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.48 of 2023 on the file of the Family Court, Sivagangai to the file of the Sub Court, Thirumangalam, Madurai District.



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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. 48 of 2023 pending on the file of the Family Court, Sivagangai is ordered to be withdrawn and transferred to the file of the Sub Court, Thirumangalam, Madurai District. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records pertaining to the case in HMOP.No.48 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.

14.03.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Family Court, Sivagangai
2. The Sub Court, Thirumangalam, Madurai District.



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G.ILANGOVA,J.

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