



TR.CMP(MD).No.383 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.383 of 2023 and
CMP(MD).No.8065 of 2023

A.Subathra @ Ammu

... Petitioner

Vs.

S.Anand

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Family Court Judge, Erode in HMOP.No.335 of 2023 and transfer the same to the Principal Subordinate court, Dindigul for trial along with HMOP.No.99 of 2023 on the file of the Principal Subordinate Court, Dindigul.

For Petitioner : Mr.V. Ganapathy Subramanian

For Respondent : Mr.P. Samuel Gunasingh

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.335 of 2023 on the file of the Family



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Court, Erode and transfer the same to the file of Principal Subordinate court, Dindigul to be tried along with HMOP.No.99 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 24.02.2021. One female child was born out of wedlock. Due to the matrimonial dispute, the respondent left from the matrimonial home. Thereafter, the respondent filed HMOP.No.335 of 2023 on the file of the Family Court, Erode seeking divorce. Subsequently, the petitioner herein filed HMOP.No.99 of 2023 on the file of the Principal Subordinate Court, Dindigul seeking restitution of Conjugal rights.

3. Now, the petitioner is residing at Dindigul with her aged parents along with minor child. The distance between Dindigul and Erode is approximately 150 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.335 of 2023 on the file of the Family Court, Erode. 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



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HMOP.No.335 of 2023 on the file of the Family Court, Erode to the file of the Principal Subordinate court, Dindigul to be tried along with HMOP.No. 99 of 2023.

4. The learned counsel appearing for the respondent submitted that if the said HMOP is transferred to the Principal District Court, Dindigul, the petitioner will disturb the respondent at the time of attending the hearing. However, the learned counsel for the petitioner filed an undertaking affidavit before this Court stating that the petitioner will not give any disturbance to the respondent and the same is recorded. If any violation is noticed, the said HMOP must be referred back to the original Court.

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 the HMOP.No.335 of 2023 pending on the file of the Family Court, Erode is



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hereby withdrawn and transferred to the file of the Principal Subordinate court, Dindigul to be tried along with HMOP.No.99 of 2023. The learned Judge, Family Court, Erode is directed to transmit the entire records pertaining to the case in HMOP.No.335 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.

25.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Family Court Judge, Erode.
2. The Principal Subordinate court, Dindigul



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G.ILANGOVA, J.

Trp

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