



TR.CMP(MD).No.461 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.461 of 2023 and
CMP(MD).No.9996 of 2023

Sujithra

... Petitioner

Vs.

Praveenkumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.99 of 2023 on the file of the Family Court, Thiruchirappalli and transfer the same to try along with HMOP.No. 155 of 2023 on the file of the Principal Sub Court, Kumbakonam.

For Petitioner : Mr.A.N. Ramanathan

For Respondent : Mr.T.A. Ebenezar Charles

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to

withdraw the case in HMOP.No.99 of 2023 on the file of the Family Court,

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



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Thiruchirappalli and transfer the same to the file of Principal Sub Court, Kumbakonam to be tried along with HMOP.No. 155 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 10.06.2022 as per Hindu Rites and Customs. One female child was born out of wedlock. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Thereafter, the petitioner left the matrimonial home. Hence, the respondent filed HMOP.No.99 of 2023 on the file of the Family Court, Trichy seeking divorce. In such circumstances, the petitioner herein has filed HMOP.No.155 of 2023 on the file of Principal Sub Court, Kumbakonam seeking restitution of conjugal rights.

3. Now, the petitioner is residing at Kumbakonam along with her parents. The distance between Kumbakonam and Trichy is approximately 120 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No. 99 of 2023, pending on the file of the Family Court, Trichy. Further, the petitioner is not having any independent income. She is only depending on her parents for her day



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to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.99 of 2023 on the file of the Family Court, Thiruchirappalli to the file of Principal Sub Court, Kumbakonam to be tried along with HMOP.No. 155 of 2023.

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. 99 of 2023 pending on the file of the Family Court, Thiruchirappalli is ordered to be withdrawn and transferred to the file of Principal Sub Court, Kumbakonam to be tried along with HMOP.No. 155 of 2023. The learned Judge, Family Court, Trichy is directed to transmit the entire records pertaining to the case in HMOP.No.99 of 2023 to the transferee Court,



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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

trp

To

1. The Family Court, Thiruchirappalli.
2. The Principal Sub Court, Kumbakonam.



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G.ILANGOVA,J.

Trp

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