



TR.CMP(MD).Nos.466 and 506 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).Nos.506 and 466 of 2023 and
CMP(MD).Nos.10084 and 11069 of 2023

B.Meenakshi

**... Petitioner in
both Tr.CMPs**

Vs.

**T. Balathandayutham
rep. by his
Special Power of Attorney
M.Rajasekar**

**... Respondent in
Tr.CMP(MD).No.466 of 2023**

**1.Minor Srinithi
2.Minor Niranjan
rep. by their
father / guardian T.Balathandayutham**

**.. Respondents in
Tr.CMP(MD).No.466 and 506/23**

PRAYER:- Petitions filed under Section 24 C.P.C., to withdraw the petitions in HMOP.No.80 of 2023 and GWOP.No.108 of 2023 on the file of the Family Court, Tanjore and the Principal District Court, Tanjore respectively and transfer the same to the file of Family Court, Madurai and the Principal District Court, Madurai respectively.

For Petitioner : Mr.Niranjan S.Kumar in both cases



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COMMON ORDER

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These Transfer Civil Miscellaneous Petitions have been filed to withdraw the petitions in HMOP.No.80 of 2023 and GWOP.No.108 of 2023 on the file of the Family Court, Tanjore and the Principal District Court, Tanjore respectively and transfer the same to the file of Family Court, Madurai and the Principal District Court, Madurai respectively.

2. The petitioner herein is the wife and the respondent in Tr.CMP(MD).No.466 of 2023 is the husband. The marriage between the petitioner and the respondent was solemnized on 27.04.2004. Two children were born through the wedlock. From the date of marriage, the husband treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor children. Thereafter, the respondent filed GWOP.No.108 of 2023 seeking custody of minor children on the file of Principal District Court, Thanjavur and he has also filed HMOP.No.80 of 2023 on the file of Family Court, Thanjavur seeking for restitution of conjugal rights. Now, the petitioner is residing at Madurai with her parents along with minor children. The distance between Madurai and Tanjore is approximately 200 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend in HMOP.No.80 of



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2023 and GWOP.No.108 of 2023 on the file of the Family Court, Tanjore and the Principal District Court, Tanjore respectively. In the above circumstances, she filed the present two petitions in HMOP.No.80 of 2023 and GWOP.No.108 of 2023 on the file of the Family Court, Tanjore and the Principal District Court, Tanjore respectively to withdraw and transfer the same to the file of Family Court, Madurai and the Principal District Court, Madurai respectively.

3. Even though the notice is served upon the respondent, he has not chosen to appear before this Court either in person or through Advocate. So after hearing the learned Counsel for the petitioner, this order is passed.

4. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

5. Accordingly, the Transfer Civil Miscellaneous Petitions are allowed and HMOP.No.80 of 2023 and GWOP.No.108 of 2023 pending



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on the file of the Family Court, Tanjore and the Principal District Court, Tanjore respectively are hereby withdrawn and transferred to the file of Family Court, Madurai and the Principal District Court, Madurai respectively. The learned Family Court Judge, Tanjore and the Principal District Judge, Tanjore are directed to transmit the entire records pertaining to the cases in HMOP.No.80 of 2023 and GWOP.No.108 of 2023 respectively to the transferee Court, within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are also closed.

27.03.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Family Court, Tanjore.
2. The Principal District Court, Tanjore.
3. The Family Court, Madurai.
4. The Principal District Court, Madurai.



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G.ILANGOVA, J.

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