



TR.CMP(MD).No.468 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).No.468 of 2023 and
CMP(MD).No.10161 of 2023

Saranya

... Petitioner

Vs.

N. Paul Debinson

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the IDOP.No.344 of 2023 from the file of the Family Court, Nagercoil and transfer the same to the file of the Family Court, Thoothukudi and may be tried along with DOP.No.133 of 2023 on the file of the Family Court Thoothukudi.

For Petitioner : Mr.P. Selvakamatchi

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in IDOP.No.344 of 2023 from the file of the Family



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Court, Nagercoil and transfer the same to the file of the Family Court, Thoothukudi to be tried along with DOP.No.133 of 2023 on the file of the Family Court Thoothukudi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.10.2021 as per the Christian Rites and Customs. One female child was born through the wedlock. Due to mis-understanding between the petitioner and the respondent, the respondent was sent out from the matrimonial home. Thereafter, the petitioner, wife filed DOP.No.133 of 2023, before the Family Court, Thoothukudi, for Restitution of Conjugal Rights. Subsequently, the respondent, husband has filed IDOP.No.344 of 2023, before the Family Court, Nagercoil, for divorce.

3. Now, the petitioner is staying with her aged parents at Thoothukudi. The distance between Thoothukudi and Nagercoil is approximately 256 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.344 of 2023, before the Family Court, Nagercoil. Further, she is not having any independent



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income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. There is no one to accompany her to attend each and every hearing at Nagercoil. In such circumstances, the petitioner filed this petition to transfer the aforesaid IDOP.No.344 of 2023, filed by the respondent / husband, before the Family Court, Nagercoil, to Family Court, Thoothukudi, to be tried along with DOP.No.133 of 2023, on the file of the Family Court, Thoothukudi.

5. Heard the learned counsel appearing for the petitioner. Even though the notice served on the respondent and his name is printed in the cause list, no one has appeared.

6. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference.

7. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both IDOP.No.344 of 2023 and DOP.No.133 of 2023 are to be tried together



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in the same Court. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and IDOP.No.344 of 2023 on the file of the Family Court, Nagercoil, is hereby withdrawn and transferred to the file of the Family Court, Thoothukudi, to be tried along with DOP.No.133 of 2023 filed by the petitioner, if the same is not yet disposed of. The learned Judge, Family Court, Nagercoil, is directed to send the case bundles to the Family Court, Thoothukudi, immediately. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Family Court, Nagercoil
2. The Family Court, Thoothukudi

G.ILANGO VAN,J.



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