



TR.CMP(MD).No.483 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.483 of 2023 and
CMP(MD).No.10510 of 2023

Shanthi Priya

... Petitioner

Vs.

Vishagan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the petition in OP.No.33 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Kovilpatti.

For Petitioner : Mr. S. Ponsenthilkumaran

For Respondent : Mr.P. Sivachandran

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in OP.No.33 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Kovilpatti.

2. The petitioner herein is the wife and the respondent is the

husband. The marriage between the petitioner and the respondent was



TR.CMP(MD).No.483 of 2023

solemnized on 30.08.2018 as per Hindu Rites and Customs. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Thereafter, the respondent deserted the petitioner. Hence, the respondent filed OP.No.33 of 2023 on the file of the Family Court, Theni seeking restitution of conjugal rights.

3. Now, the petitioner is residing at Kovilpatti with her parents. The distance between Kovilpatti and Theni is approximately 150 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend OP.No.33 of 2023 on the file of the Family Court, Theni. Further, the petitioner is not having any independent income. She is only depending on her parents for her day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the OP.No.33 of 2023 pending on the file of the Family Court, Theni to the file of the Sub Court, Kovilpatti.

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



TR.CMP(MD).No.483 of 2023

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the Transfer CMP is allowed and OP.No.33 of 2023 pending on the file of the Family Court, Theni is ordered to be withdrawn and transferred to the file of the Sub Court, Kovilpatti. The learned Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case in OP.No.33 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
trp

To

1. The Family Court, Theni.
2. The Sub Court, Kovilpatti.



WEB COPY



TR.CMP(MD).No.483 of 2023

G.ILANGOVA, J.

Trp

TR.CMP(MD).No.483 of 2023 and
CMP(MD).No.10510 of 2023

14.03.2024