



TR.CMP(MD).No.505 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.505 of 2023 and
CMP(MD).No. 11057 of 2023

Karthika

... Petitioner

Vs.

Gowtham Rajesh

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOPO.No.213 of 2023 on the file of the Family Court, Sivagangai and transfer the same and try along with HMOP.No.250 of 2023 pending on the file of the Sub Court, Kumbakonam.

For Petitioner : Mr.T. Veerakumar

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOPO.No.213 of 2023 on the file of the Family Court, Sivagangai and transfer the same and try along with HMOP.No.250



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of 2023 pending on the file of the Sub Court, Kumbakonam.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.03.2020 as per as per Hindu Rites and Customs. One male child was born through the wedlock. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.213 of 2023, on the file of the Family Court, Sivagangai for divorce.

3. Now, the petitioner is residing with her age old parents at Kumbakonam along with minor child. The distance between Kumbakonam and Sivagangai is approximately 180 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.213 of 2023, pending on the file of Family Court, Sivagangai. Further, the petitioner herein is also filed HMOP.No.250 of 2023 on the file of the Sub Court, Kumbakonam, Thanjavur District for restitution of Conjugal rights. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.213 of 2023, pending on



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the file of Family Court, Sivagangai to the file of the Sub Court, Kumbakonam to be tried along with HMOP.No.250 of 2023 on the file of the Sub Court, Kumbakonam.

4. 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.

5. 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.

6. Accordingly, the Transfer CMP is allowed and HMOP.No. 213 of 2023, pending on the file of Family Court, Sivagangai is ordered to be withdrawn and transferred to the file of the Sub Court, Kumbakonam to be tried along with HMOP.No.250 of 2023 pending on the file of the Sub Court, Kumbakonam. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records pertaining to the case in HMOP.No.



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213 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.

05.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Family Court, Sivagangai
2. The Sub Court, Kumbakonam.



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G.ILANGO VAN,J.

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