



TR.CMP(MD).No.539 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.539 of 2023 and
CMP(MD).No. 11956 of 2023

Vinitha

... Petitioner

Vs.

Shaji

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw and transfer petition in the case bearing DOP.No.361 of 2023 on the file of the District Judge, Family Court, Kanniyakumari District at Nagercoil is to be transferred to the file of the Family Court, Thoothukudi forthwith.

For Petitioner : Mr. G.Kandhavadivelan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in DOP.No.361 of 2023 from the file of the District Judge, Family Court, Kanniyakumari District at Nagercoil and transfer the same to the file of the Family Court, Thoothukudi forthwith.



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2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.12.2020 as per Christian Rites, Customs Practices. 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 DOP.No.361 of 2023, before the Family Court, Kanniyakumari District at Nagercoil, for divorce. Now, the petitioner is working at Thoothkudi, with her minor child. The distance between Thoothukudi and Kanniyakumari is approximately 260 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend DOP.No.361 of 2023, pending on the file of Family Court, Kanniyakumari District at Nagercoil. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the DOP.No. 361 of 2023 on the file of the District Judge, Family Court, Kanniyakumari District at Nagercoil to the file of the Family Court, Thoothukudi forthwith.

3. Even though the notice is served upon the respondent, he has not chosen to appear before this Court either in person or through



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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 CMP is allowed and DOP.No. 361 of 2023 on the file of the District Judge, Family Court, Kanniyakumari District at Nagercoil, is ordered to be withdrawn and transferred to the file of the Family Court, Thoothukudi. The learned Family Court Judge, Kanniyakumari is directed to transmit the entire records pertaining to the case in DOP.No.361 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

20.02.2024

Internet : Yes / No

Index : Yes / No

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



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To

1. The District Judge, Family Court, Kanniyakumari District at Nagercoil
2. To the Family Court, Thoothukudi.



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G.ILANGOVA, J.

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