



TR.CMP(MD).No.520 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.520 of 2023 and
CMP(MD).No.11511 of 2023

Umamaheswari

... Petitioner

Vs.

Annamalai

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw and transfer the HMOP.No.1 of 2023 on the file of the Sub Court, Thirumayam, Pudukkottai District to the file of the Family Court, Thiruchirappalli, Thiruchirappalli District.

For Petitioner : Mr.C. Sureshkannan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.1 of 2023 on the file of the Sub Court, Thirumayam, Pudukkottai District and transfer the same to the file of the Family Court, Thiruchirappalli, Thiruchirappalli District.



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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 04.11.2020 as per Hindu Rites and customs. Due to the matrimonial dispute, the petitioner left from the matrimonial home. Thereafter, the respondent filed HMOP.No.1 of 2023 on the file of the Sub Court, Thirumayam, Pudukkottai District seeking divorce.

3. Now, the petitioner is residing at Thiruchrappalli with her aged parents. The distance between Trichy and Pudukkottai is approximately 70 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.1 of 2023 on the file of the Sub Court, Thirumayam, Pudukkottai District. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the case in HMOP.No.1 of 2023 on the file of the Sub Court, Thirumayam, Pudukkottai District to the file of the Family Court, Thiruchirappalli, Thiruchirappalli District.

4. Even though the notice was 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.

5. Considering the facts and circumstances 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.

6. Accordingly, the Transfer CMP is allowed and HMOP.No. 1 of 2023 pending on the file of the Sub Court, Thirumayam, Pudukkottai District is ordered to be withdrawn and transferred to the file of the Family Court, Thiruchirappalli, Thiruchirappalli District. The learned Subordinate Judge, Thirumayam, Pudukkottai District is directed to transmit the entire records pertaining to the case in HMOP.No.1 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.

25.03.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Sub Court, Thirumayam, Pudukkottai District
2. The Family Court, Thiruchirappalli, Thiruchirappalli District.



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G.ILANGOVA,J.

Trp

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