



TR.CMP(MD).No.535 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.535 of 2023 and
CMP(MD).No. 11911 of 2023

Syndia

... Petitioner

Vs.

B.Karthikeyan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in IDOP.No.240 of 2021 on the file of the District and Sessions Court, Tiruvallur and transfer the same to the file of Principal District Court, Thanjavur.

For Petitioner : Mr.S. Deenadhayalan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in IDOP.No.240 of 2021 on the file of the District and Sessions Court, Tiruvallur and transfer the same to the file of Principal District Court, Thanjavur.



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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 20.08.2018 as per Christian Rites, Customs Practices. One female child was born through the wedlock. From the date of marriage, the respondent and his family members treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed IDOP.No.240 of 2021, before the Principal District and Sessions Court, Tiruvallur, for divorce. Now, the petitioner is living with her parents at Thanjavur District, with her minor child. The distance between Thanjavur and Thiruvallur is approximately 350 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend IDOP.No.240 of 2021, pending on the file of the District and Sessions Court, Tiruvallur. Further, the petitioner 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 IDOP.No.240 of 2021 on the file of the District and Sessions Court, Tiruvallur to the file of Principal District Court, Thanjavur.

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 IDOP.No. 240 of 2021 pending on the file of the District and Sessions Court, Tiruvallur is ordered to be withdrawn and transferred to the file of the Principal District Court, Thanjavur. The learned Principal District and Sessions Judge, Tiruvallur is directed to transmit the entire records pertaining to the case in DOP.No.240 of 2021 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
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To

1. The the District and Sessions Court, Tiruvallur.
2. The Principal District Court, Thanjavur.



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G.ILANGOVA, J.

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