



TR.CMP(MD).No.524 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.524 of 2023 and
CMP(MD).No. 11578 of 2023

C.Renuga

... Petitioner

Vs.

P.Pandiayarajan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in O.P.No.298 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.R.Manoharan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in O.P.No.298 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Madurai.



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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 24.05.2019. One child was born through the wedlock. Due to the matrimonial dispute, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.298 of 2023 on the file of the Family Court, Theni for divorce.

3. Now, the petitioner is residing at Madurai with her minor child. The distance between Madurai and Theni is approximately 70 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.298 of 2023 on the file of Family Court, Theni. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.298 of 2023 on the file of Family Court, Theni to Family Court, Madurai.

4. Even though the notice was 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.



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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.

5. Accordingly, the Transfer CMP is allowed and HMOP.No. 298 of 2023 pending on the file of Family Court, Theni is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case in HMOP.No.298 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, Theni
2. The Family Court, Madurai.



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G.ILANGO VAN,J.

Trp

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