



TR.CMP(MD).No.580 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.580 of 2023 and
CMP(MD).No.13135 of 2023

Devayani

... Petitioner

Vs.

Solairaja

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.138 of 2023 from the file of the Principal Sub Court, Tenkasi and transfer the same to the file of Family Court, Thanjavur.

For Petitioner : Mr.S.Deenadayalan

For Respondent : Mr.S.S. Thesigan

ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.138 of 2023 on the file of the Principal Sub Court, Tenkasi and transfer the same to the file of Family 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 06.03.2022 as per Hindu Rites and customs. Due to the matrimonial dispute, the petitioner left from the matrimonial home. Thereafter, the respondent filed HMOP.No.138 of 2023 on the file of the Principal Sub Court, Thenkasi seeking divorce.

3. Now, the petitioner is residing at Thanjavur with her aged parents. The distance between Thanjavur and Thenkasi is approximately 300 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HHMOP.No.138 of 2023 on the file of the Principal Sub Court, Thenkasi. Further, the respondent is influenced person and hence, there is no safety for her to attend the Court at Thanjavur. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.138 of 2023 on the file of the Principal Sub Court, Tenkasi to the file of Family Court, Thanjavur.

4. The learned counsel appearing for the respondent submitted that the respondent's father is affected by paralyses and hence, he wants to take care of his father. So that it is very difficult for him



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to attend HMOP.No.138 of 2023 on the file of the Principal Sub Court, Tenkasi and prays for dismissal of this petition.

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 the HMOP.No.138 of 2023 pending on the file of the Principal Sub Court, Tenkasi is ordered to be withdrawn and transferred to the file of the Family Court, Thanjavur. The Principal Sub Court, Tenkasi is directed to transmit the entire records pertaining to the case in HMOP.No.138 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 Principal Sub Court, Tenkasi.
2. The Family Court, Thanjavur.



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G.ILANGOVA,J.

Trp

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