



TR.CMP(MD).No.611 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.611 of 2023 and
CMP(MD).No.13650 of 2023

Sahana

... Petitioner

Vs.

Saranraj

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the OP.No. 284 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Kovilpatti.

For Petitioner : Mr.S. Ponsenthilkumaran

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to to withdraw the case in OP.No.284 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Kovilpatti.

2. The petitioner herein is the wife and the respondent is the

husband. The marriage between the petitioner and the respondent was



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solemnized on 21.08.2022 as per Hindu Rites and customs. Due to the harassment by the respondent both mentally and physically, he petitioner deserted him. Thereafter, the respondent filed OP.No.284 of 2023, before the Family Court, Theni seeking restitution of Conjugal rights.

3. Now, the petitioner is residing at Ettayapuram with her aged parents. The distance between Ettayapuram and Theni is approximately 200 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend OP.No.284 of 2023, before the Family Court, Theni. Further, she 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 withdraw the case in OP.No.284 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Kovilpatti.

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.

6. Accordingly, the Transfer CMP is allowed and OP.No.284 of 2023 pending on the file of the Family Court, Theni is ordered to withdrawn and transferred to the file of the Sub Court, Kovilpatti. The Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case in OP.No.284 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.

27.03.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Family Court, Theni
2. The Sub Court, Kovilpatti.



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G.ILANGO VAN,J.

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