



TR.CMP(MD).No.576 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.576 of 2023 and
CMP(MD).No. 13086 of 2023

G.Thangarekha

... Petitioner

Vs.

V.Aravindhasamy

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.650 of 2023 pending on the file of the Family Court, Madurai and transfer the same to the Sub Court, Aruppukkottai or any other competent Court at Aruppukkottai within the time stipulated.

For Petitioner : Mr.M. Manimegalai

For Respondent : Mr.Idhaya Chandran

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.650 of 2023 pending on the file of the Family Court, Madurai and transfer the same to the file of Sub Court,



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Aruppukkottai or any other competent Court at Aruppukkottai within the time stipulated.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.03.2021. One child was born through the wedlock. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.650 of 2023, before the Family Court, Madurai, for divorce. Now, the petitioner is living with her parents at Aruppukkottai, with her minor child. The distance between Aruppukkottai to Madurai is approximately 90 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.650 of 2023, pending on the file of Family Court, Madurai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.650 of 2023, on the file of the Family Court, Madurai, to the file of Sub Court, Aruppukkottai forthwith.

3. The learned counsel appearing for the respondent submitted



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that because of the behavior of the petitioner only the matter could not be settled and now, the respondent is ready to live with the petitioner.

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 HMOP.No. 650 of 2023, pending on the file of Family Court, Madurai, is ordered to be withdrawn and transferred to the file of the Sub Court, Aruppukkottai. The learned Family Court Judge, Madurai is directed to transmit the entire records pertaining to the case in HMOP.No.650 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

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To

1. The Family Court, Madurai
2. The Sub Court, Aruppukkottai



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G.ILANGOVA, J.

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