



TR.CMP(MD).No.577 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.577 of 2023 and
CMP(MD).Nos.13089 and 3926 of 2023

N.Devi

... Petitioner

Vs.

Muthiah

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw HMOP.No.236 of 2023 on the file of the Additional Sub Court, Kumbakonam and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.R.Ramasamy

For Respondent : Mr.R.M.Arun Swaminathan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw HMOP.No.236 of 2023 on the file of the Additional Sub Court, Kumbakonam 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 13.05.2022 as per Hindu Rites and customs. Due to the matrimonial dispute, the petitioner left the matrimonial home. Thereafter, the respondent filed HMOP.No.236 of 2023, on the file of the Additional Sub Court, Kumbakonam seeking divorce.

3. According to the petitioner counsel, now, the petitioner is residing at Madurai with her parents. The distance between Madurai and Kumbakonam is approximately 250 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.236 of 2023, on the file of the Additional Sub Court, Kumbakonam. Further, there is no one to accompany her to attend the hearing at Kumbakonam. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw the case in HMOP.No.236 of 2023, on the file of the Additional Sub Court, Kumbakonam and transfer the same to the file of Family Court, Madurai.

4. The learned counsel appearing for the respondent submitted that the respondent is living in abroad and hence, it is very



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difficult for his mother, who is power agent, to attend the hearing at Family Court, Madurai.

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 HMOP.No. 236 of 2023 on the file of the Additional Sub Court, Kumbakonam is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. . The Additional Subordinate Judge, Kumbakonam is directed to transmit the entire records pertaining to the case in HMOP.No.236 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 Petitions are also closed.

27.03.2024

Internet : Yes / No
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To

1. The Additional Sub Court, Kumbakonam
2. The Family Court, Madurai.



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G.ILANGOVA, J.

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