



TR.CMP(MD).No.617 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.617 of 2023 and
CMP(MD).No. 13814 of 2023

Shanmugarani

... Petitioner

Vs.

V. Esakkirajan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.895 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Paramakudi.

For Petitioner : Mr. K.Sudaliayandi

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.895 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Paramakudi.



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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 04.11.2016 as per Hindu Rites and customs. One male 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.895 of 2023, before the Family Court, Madurai for divorce.

3. Now, the petitioner is residing at Parmakudi with her minor child. The distance between Paramkudi and Madurai is approximately 80 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.895 of 2023, before the Family Court, Madurai. 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 transfer the HMOP.No.895 of 2023 on the file of the Family Court, Madurai to the file of the Sub Court, Paramakudi.

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



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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 HMOP.No. 895 of 2023 pending on the file of the Family Court, Madurai is ordered to be withdrawn and transferred to the file of the Sub Court, Paramakudi. The Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case in HMOP.No.895 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, Madurai

2. The Sub Court, Paramakudi.



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G.ILANGOVA, J.

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