



TR.CMP(MD).No.620 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.620 of 2023 and
CMP(MD).No.13823 of 2023

Sumithra

... Petitioner

Vs.

K.Manimuthu

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Family Court, Sivagangai in O.P.No.352 of 2021 and transfer the same to the Sub Court, Devakkottai, Sivagangai District.

For Petitioner : Mr.T. Joshua

For Respondent : Mr.V.Vishnu

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in O.P.No.352 of 2021 on the file of the Family Court, Sivagangai and transfer the same to the Sub Court, Devakkottai, Sivagangai District.



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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 12.12.2013 at Sivagangai District. 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 O.P.No.352 of 2021 on the file of the Family Court, Sivagangai seeking divorce.

3. Now, the petitioner is residing at Devakottai with her aged parents along with minor child. The distance between Devakottai and Sivagangai is approximately 40 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend O.P.No.352 of 2021 on the file of the Family Court, Sivagangai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer O.P.No. 352 of 2021 on the file of the Family Court, Sivagangai to the file of Sub Court, Devakkottai, Sivagangai District.

4. The learned counsel appearing for the respondent submitted that the respondent is ready to bare the travelling expenses and prays for dismissal of this petition.



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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the Transfer CMP is allowed and O.P.No.352 of 2021 pending on the file of the Family Court, Sivagangai is ordered to be withdrawn and transferred to the file of Sub Court, Devakkottai, Sivagangai District. . The Judge, Family Court, Sivagangai is directed to transmit the entire records pertaining to the case in O.P.No.352 of 2021 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.

11.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1.The Family Court, Sivagangai

2. The Sub Court, Devakkottai, Sivagangai District



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G.ILANGOVAAN,J.

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