



TR.CMP(MD).No.643 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM :

**THE HON'BLE MR JUSTICE G.ILANGO VAN**

TR.CMP(MD).No.643 of 2023 and  
CMP(MD).No. 14434 of 2023

Pandimeena

... Petitioner

Vs.

Rajasekar

... Respondent

**PRAYER:-** Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.1157 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of Sub Court, Usilampatti, Madurai District.

For Petitioner : Mr. S.Vikram

For Respondent : No appearance.

### **ORDER**

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.1157 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Usilampatti, Madurai 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 27.05.2020 as per Hindu Rites and Customs. One male child was born through the wedlock. From the date of marriage, the respondent and his family members treated the petitioner cruelly and harassed her. Hence, the petitioner left from matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.1157 of 2023, before the Family Court, Madurai for divorce. Now, the petitioner is residing in her parents house at Usilampatti, with her minor child. The distance between Madurai and Usilampatti is approximately 45 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.1157 of 2023, before the Family Court, Madurai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.1157 of 2023 on the file of the Family Court, Madurai to the file of the Sub Court, Usilampatti forthwith.

3. Even though the notice is 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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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.1157 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, Usilampatti. The learned Family Court Judge, Madurai is directed to transmit the entire records pertaining to the case in HMOP.No.1157 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

**20.02.2024**

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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1. Family Court, Madurai
2. The Sub Court, Usilampatti, Madurai District.



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**G.ILANGOVA, J.**

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**20.02.2024**