



TR.CMP(MD).No.649 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.649 of 2023 and
CMP(MD).No.14457 of 2023

P.Mariyammal

... Petitioner

Vs.

K.Pandiselvam

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.32 of 2023 from the file of Sub Court, Devakkottai and transfer the same to the file of the Family Court, Pudukkottai, to try along with HMOP.No.87 of 2023 as jointly.

For Petitioner : Mr.H. Jahir Hussain

For Respondent : Mr.C.Senthil Murugan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to to withdraw the case in HMOP.No.32 of 2023 from the file of Sub Court, Devakkottai and transfer the same to the file of the Family Court, Pudukkottai, to try along with HMOP.No.87 of 2023 as jointly.

2. The petitioner herein is the wife and the respondent is the



TR.CMP(MD).No.649 of 2023

husband. The marriage between the petitioner and the respondent was solemnized on 22.03.2015 as per Hindu Rites and customs. Two children were born out of wedlock. Due to the matrimonial dispute, the petitioner left from the matrimonial home. Thereafter, the respondent filed HMOP.No.32 of 2023 on the file of the Sub Court, Devakkottai seeking divorce. Subsequently, the petitioner herein has filed HMOP.No.87 of 2023 on the file of the Family Court, Pudukkottai seeking restitution of conjugal rights.

3. Now, the petitioner is residing at Pudukkottai with her aged parents along with children. The distance between Pudukkottai and Devakkottai is approximately 120 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.32 of 2023 on the file of the Sub Court, Devakkottai. Further, the petitioner is not having any independent income. She is only depending on her family members for her day to day expenses. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.32 of 2023 from the file of Sub Court, Devakkottai to the file of the Family Court, Pudukkottai, to be tried along with HMOP.No.87 of 2023.



TR.CMP(MD).No.649 of 2023

4. The learned counsel appearing for the respondent has no objection to allow this petition.

5. Considering the submission made by the learned counsel for the respondent and also considering the fact that in the matrimonial disputes, the convenience of the wife shall be given preference, this Court is inclined to allow this petition.

6. Accordingly, the Transfer CMP is allowed and HMOP.No. 32 of 2023 pending on the file of the Sub Court, Devakkottai is ordered to be withdrawn and transferred to the file Family Court, Pudukkottai to be tried along with HMOP.No.87 of 2023 pending on the file of the Family Court, Pudukkottai. The learned Subordinate Judge, Devakkottai is directed to transmit the entire records pertaining to the case in HMOP.No. 32 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.

25.03.2024

Internet : Yes / No

Index : Yes / No

trp



TR.CMP(MD).No.649 of 2023

WEB COPY

To

1. The Sub Court, Devakkottai
2. The Family Court, Pudukkottai



WEB COPY



TR.CMP(MD).No.649 of 2023

G.ILANGOVA,J.

Trp

TR.CMP(MD).No.649 of 2023 and
CMP(MD).No.14457 of 2023

25.03.2024