



TR.CMP(MD).No.674 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.674 of 2023 and
CMP(MD).No.15098 of 2023

Nandhini

... Petitioner

Vs.

Maheshkumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.195 of 2023 on the file of the Family Court, Perambalur and transfer the same to the file of the Sub Court, Manapparai, Trichy District.

For Petitioner : Mr.A. Joel Paul Antony

For Respondent : Mr.B. Pandiarajan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.195 of 2023 on the file of the Family Court, Perambalur and transfer the same to the file of the Sub Court, Manapparai, Trichy District.

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



TR.CMP(MD).No.674 of 2023

husband. The marriage between the petitioner and the respondent was solemnized on 27.10.2017 as per Hindu Rites and Customs. One male child was born out of wedlock. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Thereafter, the petitioner left from the matrimonial home. In such circumstances, the respondent filed HMOP.No.195 of 2023 on the file of the Family Court, Perambalur seeking divorce.

3. Now, the petitioner is residing with her parents at Manapparai along with minor child. The distance between Manapparai and Perambalur is approximately 220 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.195 of 2023, pending on the file of the Family Court, Perambalur. Further, the petitioner is not having any independent income. 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.195 of 2023 on the file of the Family Court, Perambalur to Sub Court, Manapparai.

4. The learned counsel appearing for the respondent



TR.CMP(MD).No.674 of 2023

submitted that the DVOP.No.10 of 2022 filed by the petitioner was allowed by the Judicial Magistrate, Manapparai. Against which, the respondent filed appeal before the Principal District Court, Trichy and hence, this petition may be transferred to Family Court, Trichy.

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. 195 of 2023 pending on the file of the Family Court, Perambalur is ordered to be withdrawn and transferred to the file of the Sub Court, Manapparai. The learned Judge, Family Court, Perambalur is directed to transmit the entire records pertaining to the case in HMOP.No.195 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.

14.03.2024

Internet : Yes / No

Index : Yes / No

trp



TR.CMP(MD).No.674 of 2023

WEB COPY

To

1. The Family Court, Perambalur.
2. The Sub Court, Manapparai, Trichy District.



WEB COPY



TR.CMP(MD).No.674 of 2023

G.ILANGOVA,J.

Trp

TR.CMP(MD).No.674 of 2023 and
CMP(MD).No.15098 of 2023

14.03.2024