



TR.CMP(MD).No.697 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM :

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

TR.CMP(MD).No.697 of 2023 and  
CMP(MD).No. 15540 of 2023

B.Marilakshmi

... Petitioner

Vs.

Balamurugan

... Respondent

**PRAYER:-** Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.116 of 2023 on the file of the Sub Court, Pattukkottai and transfer the same and try along with HMOP.No.194 of 2023 on the file of the Sub Court, Kovilpatti.

For Petitioner : Mr.M. Prabu

For Respondent : No appearance

### **ORDER**

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.116 of 2023 on the file of the Sub Court,



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Pattukkottai and transfer the same and try along with HMOP.No.194 of 2023 on the file of the Sub Court, Kovilpatti.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.06.2017 as per as per Hindu Rites and Customs. Two children were born through the wedlock. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home along with her minor children. Thereafter, the respondent filed HMOP.No.116 of 2023, before the Sub Court, Pattukkottai for divorce. Now, the petitioner is working as a Teacher at Kovilpatti and living with her parents along with minor children. The distance between Kovilpatti and Pattukkottai is approximately 200 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.116 of 2023, pending on the file of Sub Court, Pattukkottai. Further, the petitioner herein is also filed HMOP.No.194 of 2023 on the file of the Sub Court, Kovilpatti for divorce. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.116 of 2023, pending on the file of Sub Court, Pattukkottai to the file of the Sub Court, Kovilpatti



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forthwith to be tried along with HMOP.No.194 of 2023 on the file of the Sub Court, Kovilpatti.

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 order is passed.

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. 116 of 2023 pending on the file of the Sub Court, Pattukkottai is ordered to be withdrawn and transferred to the file of the Sub Court, Kovilpatti to be tried along with HMOP.No.194 of 2023 pending on the file of the Sub Court, Kovilpatti. The learned Sub Court, Pattukkottai is directed to transmit the entire records pertaining to the case in HMOP.No.116 of 2023 to the transferee Court, within a week from the date of receipt of a copy of



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this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

**01.03.2024**

Internet : Yes / No

Index : Yes / No

trp

To

1. The Sub Court, Pattukkottai.
2. The Sub Court, Kovilpatti.



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**G.ILANGOVA, J.**

Trp

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