



TR.CMP(MD).No.804 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).No. 804 of 2022 and
CMP(MD).No. 12803 of 2022

M.Umasalma

... Petitioner

Vs.

K.Syed Satham Hussian

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the OP.No. 155 of 2022 on the file of the Family Court, Virudhunagar District at Srivilliputhur and to transfer the same to the file of the Sub Court, Tiruchendur or any other competent Court in Thoothukudi District.

For Petitioner : Mr.J. Barathan

For Respondent : Mr.R.Ponkarthikeyan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in O.P.No.155 of 2022 on the file of the Family Court, Virudhunagar District at Srivilliputhur and transfer the same to the file of



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the Sub Court, Tiruchendur or any other competent Court in Thoothukudi District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.06.2018. One female child was 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 child. Thereafter, the respondent filed OP.No.155 of 2022, before the Family Court, Srivilliputur at Virudhunagar District for divorce.

3. Now, the petitioner is residing at Kayalpattinam, Thoothkudi District, with her minor child. The distance between Kayalpattinam and Virudhunagar is approximately 155 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend OP.No.155 of 2022, pending on the file of Family Court, Virudhunagar District. Further, the petitioner herein is not having any independent income and she is only depending on her parents for her day to day expenses. In the above circumstances, she filed the present Transfer Civil



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Miscellaneous Petition to transfer the O.P.No.155 of 2022 on the file of the Family Court, Virudhunagar District at Srivilliputhur to the file of the Sub Court, Tiruchendur or any other competent Court in Thoothukudi District.

4. The learned counsel appearing for the respondent submitted that the respondent has no objection to transfer the said OP to the file of the Family Court, Tuticorin.

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.155 of 2022 on the file of the Family Court, Virudhunagar District at Srivilliputhur, is ordered to be withdrawn and transferred to the file of the Family Court, Thoothukudi. The learned Family Court Judge, Virudhunagar District is directed to transmit the entire records pertaining to the case in O.P.No.155 of 2022 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs. Consequently,



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connected Miscellaneous Petition is also closed.

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Internet : Yes / No

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To

1. The Family Court, Virudhunagar District at Srivilliputhur.
2. The Sub Court, Tiruchendur



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G.ILANGOVA, J.

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