



TR.CMP(MD).No.748 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.748 of 2023 and
CMP(MD).No.16816 of 2023

Vanarani

... Petitioner

Vs.

K.Saravanapriyan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.98 of 2023 on the file of the Sub Court, Tiruchengode and transfer the same to the file of the Sub Court, Ambasamudram for having joint trial along with HMOP.No.117 of 2023 pending on the file of the Sub Court, Ambasamudram.

For Petitioner : Mr. N. Vignesh

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.98 of 2023 on the file of the Sub Court,



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Tiruchengode and transfer the same to the file of the Sub Court, Ambasamudram to try along with HMOP.No.117 of 2023 pending on the file of the Sub Court, Ambasamudram.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.02.2022 as per Hindu Rites and customs. Due to the matrimonial dispute, the petitioner left from the matrimonial home. Thereafter, the respondent filed HMOP.No.98 of 2023 on the file of the Sub Court, Tiruchengode seeking divorce. Subsequently, the petitioner herein has filed HMOP.No.117 of 2023 on the file of the Sub Court, Ambasamudram seeking restitution of conjugal rights.

3. Now, the petitioner is residing at Thirunelveli with her aged parents. The distance between Thirunelveli and Thiruchengode is approximately 650 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.98 of 2023 on the file of the Sub Court, Thiruchengode. 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



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Transfer Civil Miscellaneous Petition to withdraw and transfer the HMOP.No.98 of 2023 on the file of the Sub Court, Tiruchengode to the file of the Sub Court, Ambasamudram to be tried along with HMOP.No.117 of 2023 pending on the file of the Sub Court, Ambasamudram.

4. Even though the notice was 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.

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 HMOP.No. 98 of 2023 pending on the file of the Sub Court, Tiruchengode is ordered to be withdrawn and transferred to the file of the Sub Court, Ambasamudram to be tried along with HMOP.No.117 of 2023 pending on the file of the Sub Court, Ambasamudram. . The learned Subordinate



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Judge, Tiruchengode, is directed to transmit the entire records pertaining to the case in HMOP.No.98 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

To

1. The Sub Court, Tiruchengode
2. The Sub Court, Ambasamudram



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G.ILANGOVAAN,J.

Trp

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