



TR.CMP(MD).No.767 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.767 of 2023 and
CMP(MD).No. 17172 of 2023

N.Kamachi

... Petitioner

Vs.

R.Palpandi

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in HMOP.No.912 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul District.

For Petitioner : Mr.K.D. Dinesh

For Respondent : Mr.B.Govinda Vasagan

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.912 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul District.



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2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.01.2019 as per Hindu Rites and Customs. One male child was born through the wedlock. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Hence, the petitioner sent out from the matrimonial home along with her minor child. Thereafter, the respondent filed HMOP.No.912 of 2023, before the Family Court, Madurai, for divorce.

3. Now, the petitioner is living with her aged parents at Batlagundu, with minor child. The distance between Batlagundu to Madurai is approximately 70 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.912 of 2023, pending on the file of Family Court, Madurai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.912 of 2023, on the file of the Family Court, Madurai, to the file of Family Court, Dindigul forthwith.

4. The learned counsel appearing for the respondent submitted that the distance between Batlagundu to Dindigul and Batlagundu to



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Madurai is equal and hence, the HMOP need not be transferred.

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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. 912 of 2023 pending on the file of the Family Court, Madurai is ordered to be withdrawn and transferred to the file of Family Court, Dindigul. The learned Family Court Judge, Madurai is directed to transmit the entire records pertaining to the case in HMOP.No.912 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.

01.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Family Court, Madurai

2. The Family Court, Dindigul District.



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G.ILANGOVA, J.

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