



TR.CMP(MD).No.764 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.764 of 2023 and
CMP(MD).No.17130 of 2023

T. Vaishnavi

... Petitioner

Vs.

T. Aravind raja

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.34 of 2023 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.Porkodi Karnan

For Respondent : Mr.S. Ramesh

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.34 of 2023 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Trichy.



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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 29.08.2022 as per Hindu Rites and Customs. From the date of marriage, the respondent and her family members treated the petitioner cruelly and harassed her. Hence, the petitioner left the matrimonial home. Thereafter, the respondent filed HMOP.No.34 of 2023 on the file of the Sub Court, Melur seeking divorce.

3. Now, the petitioner is residing at Trichy along with her aged parents. The distance between Trichy and Melur is approximately 100 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.34 of 2023 on the file of the Sub Court, Melur. 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 withdraw the case in HMOP.No.34 of 2023 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Trichy.

3. The learned counsel appearing for the respondent has no objection to allow this petition.



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4. 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.

5. Accordingly, the Transfer CMP is allowed and the HMOP.No.34 of 2023 pending on the file of the Sub Court, Melur is ordered to be withdrawn and transferred to the file of the Family Court, Trichy. The learned Subordinate Judge, Melur is directed to transmit the entire records pertaining to the case in HMOP.No.34 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

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To

1. The Sub Court, Melur

2. The Family Court, Trichy.



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G.ILANGOVA, J.

Trp

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