



TR.CMP(MD).No.783 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

TR.CMP(MD).No.783 of 2023 and
CMP(MD).No. 17518 of 2023

Anandha Sundara Valli

... Petitioner

Vs.

S. Rajkumar

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.3165 of 2023 on the file of the IV Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Srivilliputtur, Virudhunagar District.

For Petitioner : Mr. C. Christopher

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.3165 of 2023 on the file of the IV Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Srivilliputtur, Virudhunagar District.



TR.CMP(MD).No.783 of 2023

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.02.2018 as per Hindu Rites and Customs. One male child was born through the wedlock. Due to mis-understanding between the petitioner and the respondent, the petitioner was sent out from the matrimonial home along with minor child. Thereafter, the respondent filed HMOP.No.3165 of 2023, before the IV Additional District Judge, Family Court, Madurai for divorce. Now, the petitioner is residing in her parents house at Sivakasi, with her minor child. The distance between Sivakasi and Chennai is approximately 650 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.3165 of 2023, before the Family Court, Chennai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer HMOP.No.3165 of 2023 on the file of the IV Additional Principal Judge, Family Court, Chennai to the file of the Family Court, Srivilliputur, Virudhunagar District forthwith.

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



TR.CMP(MD).No.783 of 2023

order is passed.

WEB COPY

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.3165 of 2023 pending on the file of the IV Additional Principal Judge, Family Court, Chennai is ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputtur, Virudhunagar District forthwith. The learned IV Additional Principal Judge, Family Court, Chennai is directed to transmit the entire records pertaining to the case in HMOP.No.3165 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

23.02.2024

Internet : Yes / No

Index : Yes / No

trp



TR.CMP(MD).No.783 of 2023

To
WEB COPY

1. IV Additional Principal Judge, Family Court, Chennai.
2. The Family Court, Srivilliputur, Virudhunagar District.



WEB COPY



TR.CMP(MD).No.783 of 2023

G.ILANGOVA, J.

Trp

TR.CMP(MD).No.783 of 2023 and
CMP(MD).No. 17518 of 2023

23.02.2024