



TR.CMP(MD).No.786 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.786 of 2023 and
CMP(MD).No. 17689 of 2023

Agnes T.J. Shyamala

... Petitioner

Vs.

K.Jayaraj

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case in DOP.No.168 of 2023 on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Dindigul or any other competent Court in Dindigul within the time stipulated by this Court.

For Petitioner : Mr.A.Mohamed Riyaz

For Respondent : Mr.R. Karunanithi

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in DOP.No.168 of 2023 on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Dindigul or any other competent Court in Dindigul.



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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 24.05.2018. From the date of marriage, the respondent treated the petitioner cruelly and harassed her. Due to the matrimonial dispute, the petitioner left the matrimonial home. Thereafter, the respondent filed HMOP.No.168 of 2023, before the Family Court, Villupuram for divorce.

3. Now, the petitioner is residing at Madurai along with her aged parents. The distance between Madurai to Villupuram is approximately 300 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend DOP.No.168 of 2023, pending on the file of Family Court, Villupuram. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the DOP.No. 168 of 2023, pending on the file of Family Court, Villupuram to Family Court, Madurai.

4. The learned counsel appearing for the respondent submitted that right from the beginning the respondent is suffering from epilepsy disorder and hence, he is not in a position to travel such a



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distance, if this petition is allowed by this Court.

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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 DOP.No. 168 of 2023, pending on the file of Family Court, Villupuram is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Family Court Judge, Villupuram is directed to transmit the entire records pertaining to the case in DOP.No.168 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. Since the respondent is suffering from epilepsy disorder, the personal appearance of the parties need not insisted upon by the trial Court except the hearing who are required for evidence. No costs. Consequently, connected Miscellaneous Petition is also closed.

01.03.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Family Court, Villupuram.
2. The Family Court, Madurai.



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G.ILANGOVA,J.

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