



Tr.CMP.(MD)No.8 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.8 of 2024

and

C.M.P.(MD)No.196 of 2024

Priyanka

.. Petitioner

Vs.

Saravanan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.72 of 2023 on the file of the Family Court, Tiruppur, Tiruppur District and transfer the same to the file of the Family Court, Madurai, Madurai District.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.72 of 2023 on the file of the



Tr.CMP.(MD)No.8 of 2024

Family Court, Tiruppur, Tiruppur District and transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.07.2014 at Arulmigu Jenakai Narayanapperumal Thirukkivil, Solavanthan, Madurai as per the Hindu Rites and Customs. Out of the wedlock, two female children, named Sharumathy and Harshitha, were born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.72 of 2023 on the file of the Family Court, Tiruppur seeking divorce.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



Tr.CMP.(MD)No.8 of 2024

WEB COPY

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her children at Solavanthan, Madurai under the care of her parents. The distance between Solavanthan and Tiruppur is around 400 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with her children. Hence, she seeks transfer of proceeding from the file of the Family Court, Tiruppur to the file of the Family Court, Madurai.

7. It is well settled proposition of law that whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.

8. Considering the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.8 of 2024

9. The learned Judge, Family Court, Tiruppur, Tiruppur District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.72 of 2023 to the file of the Family Court, Madurai within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Madurai is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

15.10.2024

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.8 of 2024

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Tiruppur, Tiruppur District

2.The Family Court,
Madurai

Tr.CMP.(MD)No.8 of 2024
and
C.M.P.(MD)No.196 of 2024

15.10.2024