



Tr.CMP.(MD)No.39 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.39 of 2024

and

C.M.P.(MD)No.468 of 2024

R.Priyanka

.. Petitioner

Vs.

S.Rajesh Kanna

.. 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. 1392 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.M.Prabu

For Respondent : Mr.B.Sargunam



Tr.CMP.(MD)No.39 of 2024

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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1392 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.11.2021 at Reserve Line Mariamman Temple as per the Hindu Rites and Customs. Out of the wedlock, a male child was born on 30.03.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.1392 of 2023 on the file of the Family Court, Madurai seeking divorce.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



Tr.CMP.(MD)No.39 of 2024

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents at Bodinayakanur, Theni District. The distance between Bodinayakanur and Madurai is around 200 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the one and a half year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Madurai to the file of the Family Court, Theni.

6. The learned counsel for the respondent would submit that the petitioner/wife has already initiated a case under Section 498A of the Indian Penal Code before the Judicial Magistrate No.II, Madurai, and the respondent is now working as a police constable at Chennai. It would cause much hardship for the respondent/husband also to travel such a long distance from Chennai to Theni for attending each and every Court hearing, if the proceeding is transferred to the file of the Family Court, Theni. Hence, he prays for dismissal of this petition.

7. Considering the overall 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.39 of 2024

8. The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.1392 of 2023 to the file of the Family Court, Theni 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.

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

06.09.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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Tr.CMP.(MD)No.39 of 2024

P. VADAMALAI, J.

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To

- 1.The learned Judge, Family Court,
Madurai
- 2.The learned Judge, Family Court,
Theni

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