



Tr.CMP.(MD)No.49 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.49 of 2024

and

C.M.P.(MD)No.713 of 2024

J.Aswini

.. Petitioner

Vs.

S.Neppoliyan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.4010 of 2023 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : No Appearance



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.P.No.4010 of 2023 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Trichy.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 31.01.2016 at St.Fatima Church, Kodambakkam, Chennai as per the Christian Rites and Customs. Out of the wedlock, two children were born on 05.02.2017 and 04.10.2018 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in O.P.No.4010 of 2023 on the file of the Family Court, Chennai 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.



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5. Heard the learned counsel appearing for the petitioner.

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6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Pillaima Nagar, Trichy. The distance between Trichy and Chennai is around 400 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding from the file of the Family Court, Chennai to the file of the Family Court, Trichy.

7. Taking into consideration of the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.

8. The learned Judge, Family Court, Chennai is directed to transmit the entire records pertaining to the case in O.P.No. 4010 of 2023 to the file of the Family Court, Trichy 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, Trichy is directed to take the case on file and dispose of the same in accordance with law.



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

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, Family Court,
Chennai
- 2.The learned Judge, Family Court,
Trichy

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