



Tr.CMP.(MD)No.95 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.95 of 2024

and

C.M.P.(MD)No.1787 of 2024

Vincy Karuniya

.. Petitioner

Vs.

Thiyagu

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.109 of 2022 on the file of the Principal District Court, Dindigul and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.I.Romeo Roy Alfred



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.109 of 2022 on the file of the Principal District Court, Dindigul 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 04.09.2017 at St.Thomas Church, Batlagundu as per the Christian Rites and Customs. Out of the wedlock, a female child was born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in I.D.O.P.No.109 of 2022 on the file of the Principal District Court, Dindigul seeking divorce. The petitioner/wife has initiated the proceeding in D.V.O.P.No.103 of 2022 on the file of the Family Court, Madurai.

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



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Avaniapuram, Madurai. The distance between Avaniapuram and Dindigul is around 65 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the female child. Hence, she seeks transfer of proceeding from the file of the Principal District Court, Dindigul to the file of the Family Court, Madurai.

6. The learned counsel for the respondent has raised strong objection to this petition.

7. Considering the above facts and circumstances of the case, and the fact that the petitioner/wife has already initiated the proceeding in D.V.O.P.No.103 of 2022, which is pending before the Family Court, Madurai, and also considering the convenience of the wife, this Court is inclined to allow this petition.

8. The learned Judge, Principal District Court, Dindigul is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.109 of 2022



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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.

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

03.09.2024

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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, Principal District Court,
Dindigul
- 2.The learned Judge, Family Court,
Madurai

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