



Tr.CMP.(MD)No.123 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.123 of 2024

and

C.M.P.(MD)No.2494 of 2024

Anushya

.. Petitioner

Vs.

Subashkumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in F.C.O.P.No.21 of 2024 on the file of the Family Court, Namakkal, Namakkal District and transfer the same to the file of the Family Court, Tuticorin, Tuticorin District.

For Petitioner : Mr.KA.Ramakrishnan

For Respondent : M/s.A.Arul Jenifer



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ORDER

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The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in F.C.O.P.No.21 of 2024 on the file of the Family Court, Namakkal, Namakkal District and transfer the same to the file of the Family Court, Thoothukudi, Thoothukudi District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.08.2022 at Namakkal as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in F.C.O.P.No.21 of 2024 on the file of the Family Court, Namakkal seeking divorce.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at M.G.R. Nagar, Thoothukudi, and is depending on her parents for her financial needs, and is also pursuing a



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B.Ed. Decree at Thoothukudi. The distance between Thoothukudi and Namakkal is around 450 Kms, and the petitioner, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding from the file of the Family Court, Namakkal to the file of the Family Court, Thoothukudi.

6. The learned counsel for the respondent would submit that the respondent/husband is working at Tamil Nadu Electricity Board (TNEB), and he would also be put to much hardship if the proceeding in F.C.O.P.No. 21 of 2024 is transferred from the file of the Family Court, Namakkal to the file of the Family Court, Thoothukudi. However, the respondent/husband has no objection to transfer the proceeding from the file of the Family Court, Namakkal to the file of the Sub Court, Thoothukudi, since the presence of both the parties would not be necessary for every hearing other than essential hearing in the Sub Court.

7. Considering the facts and circumstances of the case, and also considering the convenience of both the parties, this Court is inclined to transfer the proceeding from the file of the Family Court, Namakkal to the file of the Sub Court, Thoothukudi.



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8. The learned Judge, Family Court, Namakkal is directed to transmit the entire records, pertaining to the case in F.C.O.P.No.21 of 2024, to the file of the Sub Court, Thoothukudi 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, Sub Court, Thoothukudi is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

27.09.2024

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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 Family Court,
Namakkal

2.The Sub Court,
Thoothukudi

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and

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