



Tr.CMP.(MD)No.182 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.182 of 2024

and

C.M.P.(MD)No.4016 of 2024

K.Bindu Veemuthra

.. Petitioner

Vs.

A.Manikandan

.. 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. 1837 of 2023 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Madurai or any other Court for disposal of the same on merits in accordance with law.

For Petitioner : Mr.A.Sheik Abdulla
for M/s.Ajmal Associates

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1837 of 2023 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Madurai or any other Court for disposal of the same on merits in accordance with law.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.02.2012 at A.V.M. Mahal, Puthamalli Main Road, Sellur, Madurai as per Hindu Rites and Customs. Out of the wedlock, a female child, named Vadivukarasi, was born on 20.11.2012.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.1837 of 2023 on the file of the Family Court, Coimbatore, seeking restitution of conjugal rights.



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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.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents at S.Alangulam in Madurai District. The distance between S.Alangulam and Coimbatore is around 200 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the 12 year old female child. Hence, she seeks transfer of proceeding from the file of the Family Court, Coimbatore 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.



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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.

9. The learned Judge, Family Court, Coimbatore is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.1837 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 in accordance with law.

10. 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,
Coimbatore
- 2.The learned Judge, Family Court,
Madurai

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