



Tr.CMP.(MD)No.168 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.168 of 2022

and

C.M.P.(MD)No.3047 of 2022

Angel Jenifer

.. Petitioner

Vs.

Vinoth @ Josephraj

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.O.P.No.62 of 2021 on the file of the District Court, Nagapattinam and transfer the same to the file of the Family Court, Thoothukudi to be tried along with D.O.P.No. 294 of 2021.

For Petitioner : M/s.P.Selvakamatchi

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in D.O.P.No.62 of 2021 on the file of the District



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Court, Nagapattinam and transfer the same to the file of the Family Court, Thoothukudi to be tried along with D.O.P.No.294 of 2021.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.10.2015 at Punitha Arokiya Matha Church in Velankanni as per the Christian Rites and Customs. Out of the wedlock, a female child was born on 28.08.2016.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in D.O.P.No.294 of 2021 on the file of the Family Court, Thoothukudi seeking restitution of conjugal rights. Thereafter, the respondent/husband has initiated the proceeding in D.O.P.No.62 of 2021 on the file of the District Court, Nagapattinam 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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WEB COPY 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 child at Krishnarajapuram, Thoothukudi under the care of her parents. The distance between Thoothukudi and Nagapattinam is around 348 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the eight year old child. Hence, she seeks transfer of proceeding in D.O.P.No.62 of 2021 from the file of the District Court, Nagapattinam to the file of the Family Court, Thoothukudi.

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.

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.



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9. The learned District Judge, Nagapattinam is directed to transmit the entire records, pertaining to the case in D.O.P.No.62 of 2021 to the file of the Family 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, Family Court, Thoothukudi is directed to take the case on file, and hear the case along with D.O.P.No.294 of 2021 and dispose of both the cases as expeditiously as possible in accordance with law.

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

28.10.2024

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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 District Court,
Nagapattinam

2.The Family Court,
Thoothukudi

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and

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