



Tr.CMP.(MD)No.205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.205 of 2024

and

C.M.P.(MD)No.4452 of 2024

V.Shanthi

.. Petitioner

Vs.

S.Ganesh Mani

.. 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.7 of 2024 on the file of the Principal Sub Court, Thanjavur and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.J.Ebenazar Charles

For Respondent : Ms.A.Zubaitha Banu

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.7 of 2024 on the file of the



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Principal Sub Court, Thanjavur 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 27.11.2022 at Poondi Matham Makkal Mandram in Alamelupuram, Poondi 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 H.M.O.P.No.7 of 2024 on the file of the Principal Sub Court, Thanjavur seeking divorce.

4. The matter had been referred to the Mediation on 02.07.2024, and a report along with the settlement agreement had also been received by this Court stating that an agreement was reached. When the matter was posted for the appearance of parties, the learned counsel on either side submitted that both the parties have not re-united as per the mediation agreement, and have prayed this Court to pass orders on merits.



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Cantonment, Trichy District under the care of her parents. The distance between the petitioner's place of residence and Thanjavur is around 120 Kms up and down, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.7 of 2024 from the file of the Principal Sub Court, Thanjavur to the file of the Family Court, Trichy.

6. The learned counsel for the respondent would submit that his client has no objection for transferring the proceeding, in H.M.O.P.No.7 of 2024, from the file of the Principal Sub Court, Thanjavur to the file of the Family Court, Trichy.

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 overall 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, Principal Sub Court, Thanjavur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.7 of 2024, 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 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.

14.10.2024

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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 Principal Sub Court,
Thanjavur

2.The Family Court,
Trichy

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and

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