



Tr.CMP.(MD)No.199 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.199 of 2024

and

C.M.P.(MD)No.4340 of 2024

B.Sivakalai

.. Petitioner

Vs.

V.Parameswaran @ Siva

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.419 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Principal Sub Court, Srivilliputhur.

For Petitioner : Mr.Y.Prakash

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.P.No.419 of 2023 on the file of the Family



Tr.CMP.(MD)No.199 of 2024

Court, Theni and transfer the same to the file of the Principal Sub Court, Srivilliputhur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.02.2023 at SKM Thirumana Mahal, Devathanapatti Village, Theni District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.37 of 2024 on the file of the Principal Sub Court, Srivilliputhur seeking divorce. Thereafter, the respondent/husband has initiated the proceeding in O.P. No.419 of 2023 on the file of the Family Court, Theni seeking restitution of conjugal rights.

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.



Tr.CMP.(MD)No.199 of 2024

5. Heard the learned counsel appearing for the petitioner.

WEB COPY

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Rajapalayam Town, Virudhunagar District. The distance between Rajapalayam and Theni is around 130 Kms, 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 from the file of the Family Court, Theni to the file of the Principal Sub Court, Srivilliputhur, where the proceeding already initiated by her is pending.

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.



Tr.CMP.(MD)No.199 of 2024

WEB COPY

9. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in O.P.No.419 of 2023, to the file of the Principal Sub Court, Srivilliputhur 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, Principal Sub Court, Srivilliputhur, Virudhunagar District 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.

18.10.2024

mkn
Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.199 of 2024

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Theni

2.The Principal Sub Court,
Srivilliputhur,
Virudhunagar District

Tr.CMP.(MD)No.199 of 2024
and
C.M.P.(MD)No.4340 of 2024

18.10.2024