



Tr.CMP.(MD)No.224 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.224 of 2024

and

C.M.P.(MD)No.5010 of 2024

Sangeetha

.. Petitioner

Vs.

Logasenthil

.. 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. 159 of 2022 on the file of the Principal Sub Court, Kumbakonam and transfer the same to the file of the Family Court, Tiruchirapalli District.

For Petitioner : Mr.K.Sivabalan

For Respondent : Mr.S.K.Mani

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.159 of 2022 on the file of the



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Principal Sub Court, Kumbakonam and transfer the same to the file of the Family Court, Tiruchirapalli District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.02.2016 at R.P.G. Marriage Hall, Trichy as per Hindu Rites and Customs. Out of the wedlock, one female child, named Rishika Shree, was born on 22.09.2017.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.159 of 2022 on the file of the Principal Sub Court, Kumbakonam seeking divorce. The petitioner/wife has initiated the proceeding in M.C.No.9 of 2024 on the file of the Family Court, Tiruchirappalli seeking maintenance.

4. Heard the learned counsel for the petitioner, who appeared before this Court, and the learned counsel for the respondent, who appeared through Video Conference.



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing in her parents' house along with her child at Varaganeri, Tiruchirappalli. The distance between the petitioner's place of residence and Kumbakonam is around 150 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the child. Hence, she seeks transfer of proceeding from the file of the Principal Sub Court, Kumbakonam to the file of the Family Court, Tiruchirappalli.

6. The learned counsel for the respondent would submit that his client has no objection for the transfer of proceeding from the file of the Principal Sub Court, Kumbakonam to the file of the Family Court, Tiruchirappalli.

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 fact that the respondent has no objection for the transfer of proceeding, this Court is inclined to allow this petition.

9. The learned Judge, Principal Sub Court, Kumbakonam is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.159 of 2022, to the file of the Family Court, Tiruchirappalli 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, Tiruchirappalli is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

12.09.2024

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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 learned Judge, Principal Sub Court,
Kumbakonam
- 2.The learned Judge, Family Court,
Tiruchirappalli

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and

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